



# **Muscogee (Creek) Nation Human Resources Policy and Procedure Manual**

Executive Branch  
Office of the Administration



## *Muscogee (Creek) Nation*

### MESSAGE FROM THE PRINCIPAL CHIEF

Dear Tribal Employee,

Hesci!

One of the guiding principles at Muscogee (Creek) Nation is our belief that employees are our most valuable resource. Each employee contributes to the growth and success of MCN, and it is why you should take great pride in being a member of our team. To new employees, we welcome you and wish you great success as you grow professionally and help fulfill our mission. To our current employees, we thank you for your loyal service and dedication to our operations. Our main priority is providing a work place of support, encouragement and professionalism so that we may best serve our citizens.

To ensure accountability, as well as the Tribe's success in accomplishing our mission, The MCN Policy and Procedure handbook has been developed as a resource of guidance for tribal government employees with both the employer and the employee in mind. This handbook provides an overview of the human resources policies and procedures that serve as the professional link between The MCN and its employees. I encourage every tribal employee to read, review and understand your rights as an employee and what is required of you in the workplace. Should you have any questions regarding our policy and procedure manual, please contact our Human Resources office at (918) 732-7829.

Sincerely,

A handwritten signature in black ink that reads "David W Hill". The signature is written in a cursive, slightly stylized font.

David W. Hill  
Principal Chief

# Table of Contents

## *Message from the Principal Chief*

## *Table of Contents*

### **500 Introduction**

Application	
Sovereign Immunity	
Responsibility .....	01

### **501 General Provisions**

Policy Standards, Revisions and Interpretation .....	02
--	----

### **502 Human Resources Planning, Selection and Development**

Personnel Positions.....	05
Employee List .....	06

#### **Recruitment Sources**

Position and Advertisement Policy.....	07
Recruitment Sources.....	08

#### **Application and Employment Process**

Pre-Application Process.....	09
Application, Interviewing & Hiring Process .....	11
Orientation Process .....	14
Conditional Employment.....	16
Verification of Employment .....	17
Personnel file access .....	18

#### **Training and Development**

Training and Development Policy .....	19
Annual Training .....	20

#### **Performance Evaluations**

Performance Evaluation Standards.....	22
---------------------------------------	----

### **503 General Employment**

#### **Employment Classification System**

Managerial, Salaried and Hourly Classifications.....	23
Contract Classifications .....	23
Elected Classifications.....	24
Employment and Training Programs.....	24
Temporary / Emergency Hires .....	24

## **Standards and Attendance**

Code of Ethics .....	26
Conduct.....	28
Conflicts of Interest .....	30
Confidential Information .....	32
Work Station Reporting.....	34
Attendance tracking .....	35
Dress Code Standards .....	37
Purchasing of Uniforms and clothing .....	42
Emergency Facility Closing .....	43
Hours of operation .....	45
Lunch hours .....	46
Work Breaks .....	47
Chain of Command.....	49
Fraternization .....	49
Nepotism.....	52
Political Activity.....	54
Licensure, certifications and other requirements .....	55
Telephone usage .....	58
Camera, Video and Voice recordings .....	61
Workplace Violence .....	63

## **Positional Changes**

Transfer.....	64
Promotion .....	65
Reclassification .....	66

## **Separation**

Resignation .....	67
Discharge / Termination .....	69
Lay-Off .....	71
Reduction in Force.....	72
Recall .....	73

## **Disciplinary Action**

Standards .....	74
Types of Disciplinary Action.....	76
Progressive Discipline .....	77
Procedure for Disciplinary Action.....	79

## **Grievance Process**

Standards .....	80
Procedure .....	80
Exceptions to Grievance Procedure .....	81
Grievance Appeals Committee .....	82
Employee Protection Act .....	83

## **Sexual Harassment**

Policy .....	85
Examples of prohibited conduct .....	86
Consensual relationships.....	87
Responsibilities and Responding .....	88
Complaint resolution procedures .....	90
Discipline.....	91
Confidentiality .....	92
False Accusations .....	92
Freedom from retaliation .....	92
Other available procedures .....	93

## **Discrimination, Harassment & Retaliation Policy .....**

Equal employment opportunity .....	94
Retaliation.....	94
Harassment .....	95
Individual and conduct covered .....	95
Reporting an incident.....	96
Complaint procedure .....	96

## **Safety and Work Environment**

Safety and Work General Policy .....	98
Inclement Weather Protocol .....	100
Visitors in the workplace.....	101
Smoking/Tobacco Policy.....	103
Incidents and Accidents.....	105
Personal property .....	110

## **Drug and Alcohol Policy**

Work standards .....	111
Special Provisions for work standards .....	112
Prescribed Medical Treatment.....	112
Drug and Alcohol Testing .....	113
Random Testing.....	114
Violations.....	114
Safety Sensitive Job Positions.....	115
Corrective Actions .....	116
External Sanctions/Investigations.....	117
Procedures for Managers/Program Directors.....	117
Inspections.....	117
Confidentiality / Counseling and Rehabilitation sources.....	118
Definitions .....	118
Medical Marijuana License Holder Protection/Non-Discrimination..	120

## **Travel**

Standards .....	121
General Responsibility and Authority .....	121
Transportation.....	123

Local Transportation .....	126
Lodging and Per Diem (M & IE).....	127
Travel Request and Authorization Approval.....	129
Approval .....	130
Travel Agenda.....	131
Travel Advances .....	131
Travel Expense Reports .....	132
Expense Reimbursement .....	133
Third Party Reimbursements.....	134
Non-Employee Travel .....	135
Conduct .....	135

<b>Employee Organizations .....</b>	<b>136</b>
-------------------------------------	------------

#### **Internet and Email Usage**

Email, Internet and Equipment .....	135
Social Media Policy .....	140

<b>Request for Information/Correspondence .....</b>	<b>147</b>
---	------------

## **504 Wage and Salary**

#### **Wage and Salary Administration Policy**

Application and Statement of Compensations.....	148
Statement of Compensation Objectives.....	149
Wage and Salary .....	149
Position Classification .....	150
Job Description .....	150
Management Schedule.....	151
Salaried Schedule .....	151
Hourly Schedule .....	151
Fair Labor Standards Act.....	152
Emergency and Inclement Weather Workers .....	153

<b>Wage and Salary Administration Operating Responsibility .....</b>	<b>154</b>
--	------------

<b>Salary Administration Approval Level of Determination.....</b>	<b>155</b>
---	------------

#### **Compensation**

Timesheets .....	157
Compensatory time.....	160
Flexible schedule.....	163
Telework .....	166

#### **Recognition and Awards Program**

Employee Service Awards .....	173
Language Speaking Incentive.....	174

## 505 *Benefits*

<b>Benefits Cost and Fringe .....</b>	<b>174</b>
---------------------------------------	------------

### **Leave Policies**

Administrative Leave.....	177
Annual Leave .....	178
Annual Leave Buy Back Program.....	181
Bereavement Leave .....	182
Cultural / Religious leave .....	184
Disaster Leave .....	185
Donated Sick leave .....	186
Holiday Leave .....	193
Inclement Weather Leave .....	195
Jury Duty .....	196
Leave Without Pay .....	197
Maternity Leave.....	199
Military Duty Leave .....	203
Miscellaneous Leave Provisions .....	205
Personal Leave.....	207
Public Health Emergency FML.....	209
Sick Leave .....	212
Voting Leave .....	214

### **Family and Medical Leave**

Standards .....	215
Reasons for Taking Leave .....	216
Advance Notice and Certification.....	216
Job Benefit Protection .....	217
Use of Leave.....	217
Required Documentation .....	217
Failure to return from FML .....	218

### **Insurance and 401K**

Employee Health and Medical Insurance .....	219
Life Insurance .....	219
Disability Insurance .....	219
Workers' Compensation .....	220
401k Plan .....	220


### **Career Development**

Approval and Eligibility .....	222
Degree Program .....	223
Professional Degree Program .....	223
Tribal College Program .....	224

<b>Glossary .....</b>	<b>225</b>
-----------------------	------------

**Additional:** (1) Executive order 94-03                      (2) Pay schedule  
(3) FOIA Act    (4) Telework agreement

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Introduction	Section 500	
	Introduction	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Responsibility

The Administrative Personnel Policy and Procedures (“Policy”) Manual has been enacted by the Muscogee (Creek) Nation National Council pursuant to Executive Order 94-03. The Principal Chief (“Chief”) has the duty and responsibility under this executive order to carry out this Policy, and the power and duty to manage, administer and direct the operation of The Muscogee (Creek) Nation.

This volume of the policies and procedures handbook serves as an operational guide for MCN. All employees are responsible for reading, understanding, and complying with the provisions of these policies and procedures. These Policies are subject to change by the National Council, the Office of Principal Chief, and members of its administration at any time, without prior notice.

These Policies and Procedures may be amended in the future and it is the Employees responsibility to familiarize themselves with the amendments as they are issued and for complying with any amendments. As revised pages are issued, the page which supersedes should be removed and discarded.

## Applicability

These policies shall apply to all employees of The Muscogee (Creek) Nation (MCN) unless a specific departmental policy applies. This manual supersedes any previous verbal or written policies, practices, procedures, or promises made by MCN, concerning its employees terms and conditions of employment, except those expressed in written individual employment contracts or agreements.


All policies, procedures, practices, and benefits of MCN, whether or not described in this Policy, may be amended, changed, modified or discontinued by MCN at any time with or without prior notice by the Principal Chief.

## Sovereign Immunity

These policies are not intended to, nor do they waive the sovereign immunity of MCN. Nothing in this Policy shall be construed as an express or implied waiver of MCN’s sovereign immunity and these Policies do not constitute a contract for employment between MCN and employees.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Provisions	Section 501	
	<b>Policy Standards, Revisions, Interpretation</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	

## Policy


The general employment policy shall be to set a uniform employment process administered according to the purpose and policy set forth in this policy. Staffing shall be accomplished through full-time, part-time, temporary, and Employment and Training programs. The purpose of the Human Resources (HR) policy and procedure is to provide an administrative framework for operating branch management to achieve the following:

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

## Scope and Application

The guiding principles contained in these HR policies for The Muscogee (Creek) Nation (MCN) shall apply to the jurisdiction of the executive branch of the government of MCN and those agencies, divisions and/or organizations which are subject to the authority of the executive branch of MCN except those agencies/organizations governed under independent authority. These policies shall also apply to the other branches of government and those excepted agencies/organizations which have enacted in writing the desire to utilize and comply with HR support services provided by the executive branch. Indian tribes are exempt from certain federal and state labor and employment laws. Therefore, employees should understand that they may not enjoy certain rights or protections normally afforded by such laws.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Provisions		Section 501	
	<b>Policy Standards, Revisions, Interpretation</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	

1. The administrative activities associated with HR include, but are not limited to, the following:
  - a. HR Planning: recruitment, employment, training, and performance evaluations.
  - b. General Employment Policies: Employment Classification System, Standards and Attendance, Positional Changes, Separations, Disciplinary Actions, Grievance Procedures, Harassment, Safety and Work Environment, Travel Policies, and Employee Organizations.
  - c. Compensation and Benefits: Wage and Salary, Pay, Job Requirements, Benefits, and Recognition and Awards Program.
  - d. Miscellaneous Policies and Provisions.

## Policy Standards

1. The HR procedures of MCN shall be administered according to the following principles:
  - a. Employment consideration shall be extended without regard to race, color, creed, national origin, ethnic origin, age, religion, disability, sex, sexual orientation, gender identity, and expression or veteran status.
  - b. Promotion from within shall be a goal.
  - c. Every effort shall be put forth to acquire the best available employee to fill employment opportunities.
  - d. Compensation shall be based on job performance and shall be comparable to prevailing rates and classifications in industry and government.
  - e. Procedures shall be established which shall ensure that job evaluations are directly related to job performance and that the job evaluation process is equitable to other employees that are within the same job classification.
  - f. Muscogee (Creek) and Indian preferences is required to all employment actions and shall be implemented consistent with the spirit of the federal employment laws and in compliance with tribal employment laws.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Provisions		Section 501	
	<b>Policy Standards, Revisions, Interpretation</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>3</b> of <b>4</b>	

- g. Veteran preference as to all employment actions shall be implemented consistent with the spirit of the federal employment laws and in compliance with tribal employment laws.
- h. Points awarded in the employment process or Indian, Muscogee (Creek) and Veteran status identified in 6 and 7 above, shall be added to scores on the Interview Report form as follows:

Muscogee Citizen/Veteran – 5 points

Muscogee Citizen – 4 points

Indian/Veteran – 3 points

Indian – 2 points


## Policy Revisions

1. This HR Policies and Procedures Manual is a compilation of statements of policy and procedures which MCN fully expects to follow. However, such policies and procedures may be subject to change.
2. When a manual revision is required, the requested change is to be submitted in writing to the Office of the Principal Chief. The Principal Chief shall then confer with the appropriate administrative staff to ensure change is needed. Should it be determined the change is needed, the change shall be adopted and supplements issued by Executive Order.

## Policy Interpretation

1. The provisions of the HR policies and procedures contained in this manual shall be binding on all personnel. The interpretation of any provision of the HR policies and procedures shall be a function of HR.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development	Section 502	
	<b>Personnel Positions</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	


## Policy

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

The types of personnel positions are defined as follows:

1. Full-Time Employment – shall be defined as a position having a work schedule of 8 hours per day and 40 hours per week.
2. Part-Time Employment – shall be defined as a position having a work schedule of 8 hours or less per day and 30 hours or less per week.
3. Regular Positions – shall be defined as a position which, from its implementation, remains continuously within a department.
4. Temporary Positions – shall be defined as a position which has no permanence as to duty or time and may be scheduled for work 8 hours a day, 40 hours a week, 8 hours a day or less, less than 40 hours per week, and 1560 hours or less per calendar year.
5. Special Employment Programs – shall be defined as those job programs administered by contract.
6. Emergency Hire- 30 days of employment and can be extended by HR for another 30 days. At that time the employee will need to be released or hired full-time.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 502	
	Employee List	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The Employee List shall be defined as a comprehensive listing of all full-time, part-time, and temporary individuals who are employed by The Muscogee (Creek) Nation (MCN). This list shall be created and maintained by the Human Resource Information System (HRIS).

1. The Employee List shall be treated as a matter of confidentiality and shall not be released for public use with the exception noted in “3” below. Persons listed shall have the right to see their own name and information listed therein.
2. The Employee List shall be maintained by Human Resources (HR) and shall be updated as changes occur.
3. The MCNCA Title 37, Chapter 3, Section 3-301 states “within 10 days of February 25, 1989 and on July 31 each year thereafter the principal chief shall submit to the National Council the following information:
  - a. A list of all tribal positions and the names, grades, and step levels of persons in those positions. Such list shall be published in the “Muscogee Nation News.”

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 502	
	Position and Advertisement	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The Muscogee (Creek) Nation (MCN) managers or supervisors are encouraged to post all departmental vacancies "strict in house" for three (3) days within the department. If needed "regular in house" will be open to MCN employees or "General Advertising" will be open to the public. This will allow current employees within the department first opportunity at the vacancy.

1. Each position which appears as a budgeted position shall be contained in the job listing.
2. Each position contained in the job listing shall have a corresponding Job Description.
3. Each vacant position shall be advertised Regular In House or General Advertising for a minimum period of five (5) work days prior to the stated closing date.
4. All vacancy notices will be sent Regular In House by mass email; General Advertising, mass email/MCN website. It is the responsibility of each department manager or supervisor to ensure each vacancy notice received is posted for all current employees that do not have access to email.
5. Employment opportunities shall be advertised in a manner to ensure equal opportunity for employment.
6. Exception: Those employees coming through the Work Experience program; who have trained for the position will be able to apply for strict in house position.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development	Section 502	
	Recruitment Sources	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	


## Policy

Human Resources (HR) shall develop a recruitment program whose primary goal is to obtain qualified Muscogee (Creek) citizens and other federally recognized Native American employees. Portions of the program shall be coordinated with the Employment and Training office in order to more efficiently meet the needs of The Muscogee (Creek) Nation (MCN).

The program shall include:

1. Developing and maintaining lines of communication with the placement offices of area colleges and vocational/technical schools.
2. Developing and maintaining lines of communication with Native American student groups at area colleges and vocational/technical schools.
3. Developing and maintaining lines of communication with tribal communities.
4. Commencing and maintaining appearances at job/career fairs where there is a significant presence of Native American job recruits.
5. The program shall also focus on selecting for vacant positions from current employees so that outstanding employees may be retained.
6. The recruitment program shall be approved by the Tribal Administrator

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development		Section 502	
	Pre-Application Process		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy

This policy sets forth The Muscogee (Creek) Nation's (MCN) initial hiring process for departments. MCN believes that hiring qualified individuals to fill positions contributes to the overall success of MCN. In hiring the most qualified candidates to positions the following process should be followed.

## Employee Requisitions


1. Employee Requisition must be completed to fill MCN positions before a job advertisement can be placed or an employment offer can be initiated.
  - a. The procedure for completing an Employee Requisition form shall be:
    - i. The manager requesting the hire completes the Employee Requisition form and attaches a schedule "A."
    - ii. The Cabinet Member and Manager approves the employee requisition.
    - iii. Fiscal approval is required indicating there are sufficient funds for the desired position.
    - iv. The approved Employee Requisition form shall be forwarded to the Human Resources (HR) manager for approval and is then advertised according to the requisition requirements.
    - v. The desired position shall then be advertise
    - vi. Requisitions will close after 90 days.

## Job Postings

1. Job announcements shall be advertised on The MCN website and posted in HR for five (5) working days following the day the Employee Requisition form is received.
2. Job announcements shall be sent via Public Relations to all MCN facilities.
3. The work unit in which the vacancy occurs may request the position be advertised in the newspaper. The newspapers most utilized are *Okmulgee Daily Times*, *Muscogee Phoenix*,




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development		Section 502	
	Pre-Application Process		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

and the *Tulsa World*.

4. Applications must be submitted online through The MCN website.
5. HR will be responsible for tracking all applicants and retaining applications and resumes as required.
6. Online applications will not be available after 120 days upon receipt of initial application.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development		Section 502	
	Application, Interview & Hiring Process		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 3	


## Policy

Any person desiring employment shall complete an Application for Employment form online at [www.muscogeenation.com](http://www.muscogeenation.com). The Application for Employment form shall be filled out as completely as possible to insure that sufficient information is given for full consideration for employment. Human Resources (HR) shall administer the application process.

1. The process shall be as follows:


- a. All applications are submitted electronically through The Muscogee (Creek) Nation (MCN) website.
- b. After the closing date , up to 90 days, for that particular job, all the applications filed for that job are reviewed. The review process is generally conducted by an interview committee of each respective department. The manager shall screen for minimum qualifications all the applications in the particular job file.
- c. Each reviewer on the interview committee lists their top choices and a consensus of the top three to six candidates that are qualified may be selected by the committee. Each candidate is then interviewed by the selected interview committee.
- d. After all interviews are complete, the candidates are listed in order of preference by the interview team and a Staffing Order is initiated. The Staffing Order is filled out by the hiring supervisor, approved by the manager and final approval shall be given by the Cabinet Secretary of that division. The Staffing Order shall then be forwarded to HR for processing.
  - i. Any person convicted or discharged of embezzlement and/or theft, from **any organization**, shall not be eligible for hire/rehire.
  - ii. Any person whom has been convicted of a felony crime against The Muscogee (Creek) Nation shall be prohibited from being hired or employed by MCN. (NCA 15-138)  
 Felony Crimes against the Nation may include but are not limited to:
    - a. Embezzlement
    - b. Larceny
    - c. Theft

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development		Section 502	
	<b>Application, Interview &amp; Hiring Process</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	

- d. Burglary
    - e. Fraud
    - f. Robbery
    - g. Arson
    - h. Forgery
    - i. Malicious damage to property
    - j. Any crime involving dishonesty or breach of trust
  - iii. An acknowledgment of Nepotism Policy form shall be submitted to HR during hiring process.
  - iv. Background/motor vehicle investigation shall be conducted on each of the final candidates by HR. While it is the responsibility of HR to ensure background checks are conducted, HR after consultation with the hiring unit shall determine whether the results of the background checks disqualify a final candidate.
  - v. Drug testing for job candidates is required once a bona fide offer of employment has been extended. Once employment has begun each employee may be subject to random drug testing. Any candidate who fails a drug test shall be withdrawn from consideration. See Drug and Alcohol Policy for additional detail on safety and non safety sensitive jobs.
- e. Upon approval of the Staffing Order, and after concurrence with the hiring supervisor as to conditions of employment (i.e., salary, starting date, etc.), a job offer then shall be made by HR to the selected candidate. If the job is accepted, then the application process ends. If the job is not accepted, the supervisor will be contacted and asked to submit a staffing order for the next candidate. This process continues until an offer is accepted.
- 2. If each candidate on the Staffing Order declines the job offer then the supervisor will need to take further action. This action may include, but is not limited to: re-opening the entire application process; determining a new list of candidates from the previous applicant pool; leaving vacant the open position.
- 3. After the application process for a particular job ends, each applicant who was not selected for the job is notified via email, by HR, that the position for which they applied has been filled.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development	Section 502	
	<b>Application, Interview &amp; Hiring Process</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page <b>3</b> of <b>3</b>	

## Hiring Process

1. HR shall coordinate the orientation process for all employees of The Muscogee (Creek) Nation (MCN). The orientation process shall be initiated upon the validation of the hiring notice.
2. Human Resources (HR), upon approval of the Staffing Order and acceptance of the position by a candidate, shall issue a Hiring Notice. The Hiring Notice is then submitted to payroll.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 502	
	Orientation Process	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

The welcoming of new employees is a collaborative effort that includes many facets within The Muscogee (Creek) Nation (MCN) from Human Resources (HR), the hiring department and other teams throughout. Preparing for a new hire and providing appropriate guidance and information during the first weeks of employment can ensure success. This short-term orientation process is not a replacement for onboarding of employees to their specific role and department, which is a more detailed and longer process. Responsibility for orientation shall be shared by the employee, his/her supervisor, and HR.


1. The supervisor shall provide the employee with the following information:
  - a. Overview of departmental function
  - b. Copy of position description
  - c. Copy of organizational chart
  - d. Departmental policies and procedures
  - e. Safety instructions
  - f. Tour of complex and workstation
  - g. Introduction of co-workers
2. HR shall provide and/or review the following information with the new employee:
  - a. Orientation schedule
  - b. Official position description
  - c. Pre-employment drug testing
  - d. HR policies and procedures
  - e. Medical insurance
  - f. W-4

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development		Section 502	
	<b>Orientation Process</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

- g. I-9
  - h. Job offer / salary agreement
  - i. IT agreement
  - j. Nepotism policy
  - k. Drug free workplace policy
  - l. Motor vehicle operator information
  - m. Health, dental, vision, prescription, disability products, and life insurance
  - n. Human Resource Information System (HRIS) procedures regarding timesheets, payroll period, and direct deposit
  - o. Career Development Program
  - p. 60 day conditional employment
  - q. 401K
  - r. Holiday schedule
  - s. Mvskoke history presentation
  - t. Language incentive
3. The new employee shall:
- a. Read the position description of their new job.
  - b. Immediately consult their supervisor if they have any questions concerning their job duties.
  - c. Read the Muscogee (Creek) Nation (MCN) Policy and Procedure Manual and any departmental policies.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 502	
	Conditional Employment	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

All new employees shall undergo a sixty (60) day conditional employment period. Each employee shall be evaluated after sixty (60) calendar days of employment. Any time during the sixty (60) days conditional employment period the employee may be terminated without the privilege of appeal.

1. Within five (5) days prior to the completion of the conditional period, a performance evaluation shall be conducted by the supervisor and or manager.
2. All conditional employment employees who fail to obtain a satisfactory performance evaluation shall be terminated.
3. Termination of an employee must follow Progress Discipline stated in the Disciplinary Action policy of this manual.
4. The successful completion of this period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a just cause termination standard.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development	Section 502	
	Verification of Employment	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 1	


## Policy

All calls or inquiries regarding the release of information or verification of employment for employees who are currently employed or who have been previously employed by The Muscogee (Creek) Nation (MCN) are to be referred to the Human Resources (HR) Department.

1. An MCN employer inquiring about an employee's character or abilities is considered confidential and may not be released.
2. Third party - HR will only provide a confirmation of information to a third party with a signed consent release from the employee or former employee. Information released without a signed consent will be limited to current employment status, dates of employment and job title.
3. Telephone request – HR will only release the following information by telephone:
  - a. Current employment status
  - b. Current or last job title
  - c. Dates of employment
4. Written Request - Written request for information will be completed provided there is a signature of the employee or former employee authorizing release of the information. The only information released is:
  - a. Current employment status
  - b. Current or last job title
  - c. Dates of employment
  - d. Annual Salary
5. Salary information must be requested in writing and accompanied by a signed authorization from the employee or former employee.
6. Request for personal information (home address, telephone number, birth date, etc) from other departments within The MCN is strictly limited to be released only to MCN Lighthouse and Risk Management.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 502	
	Personnel File Access	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The purpose of this policy is to establish a uniform procedure for the maintenance and accuracy of the official personnel file for employees of The Muscogee (Creek) Nation (MCN) and to preserve the privacy of those records. This policy is intended to provide guidelines for access to those records in order to promote an informed public while maintaining the security of personnel records necessary to protect the privacy of its employees and the interest of MCN. Access to appropriate records shall be in accordance with the provisions of this policy.

1. Employee/Personnel files are maintained by Human Resources (HR) and are considered confidential.
2. All employees may view their own personnel file upon a written signature by the employee.
3. Personnel files may not be taken outside of the HR department.
4. Upon termination an employee may request and receive a copy of their personnel file.
5. Managers and supervisors may only have access to an employee's personnel file on a need to know basis. Request must be made through the HR director.
6. Representatives of MCN or law enforcement agencies, in the course of their duties, may be allowed access to file information. The decision will be made at the discretion of MCN, HR director, a valid subpoena or a valid court order.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 503	
	Training and Development	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

Human Resources (HR) and all The Muscogee (Creek) Nation (MCN) departments shall develop in-service training and opportunities for professional development and continuing education.

1. The primary goal of the training and development program is:
  - a. To increase the performance level of an employee in the employee's current position.
  - b. To enable the employee to obtain knowledge and skills that would qualify the employee for higher positions within The MCN.
  - c. To increase the ability, through its employees, of The MCN to serve its citizens.
2. The program and trainings shall be approved by the appropriate Cabinet Secretary.
3. Further information concerning the Career Development Program may be found in the Career Development Program policy.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Training and Development	Section 502	
	Annual Training	Originated	09/23/2021
		Revised	09/22/2022
		Page 1 of 2	

## Policy

Human Resources and The Muscogee (Creek) Nation (MCN) have developed an annual training program that is required to be taken annually for all new and existing employees. The mandatory training has been deemed essential by The Muscogee (Creek) Nation to ensure that employees are receiving training in critical areas of Compliance, Harassment, General Workplace, and Ethics. MCN is responsible for identifying, creating, and providing opportunities for training in support of the goals and objectives of The Muscogee (Creek) Nation.


### 1. Employee Responsibility

- Employees at MCN will be responsible to complete training annually in the allotted time set forth by Management.
- Fully engage in the learning process.
- Apply the knowledge/skill acquired through training to current and planned job responsibility.
- Work with your Manager to develop a training schedule that minimize interruptions, so your job duties may be completed.
- Complete all training during regularly scheduled hours, unless other directions for completion of training are given by Supervisor.
- Completion of training must be within 60 days or less.

### 2. Supervisors, Managers, Directors Responsibility

- Supervisors, Manager, and Directors will be responsible for completion of Supervisor/Manager/Director Training annually and in the allotted time set forth by Management.
- Assist employees with a schedule that fits his/her workday and meets the department's needs.
- Support the learning experience by providing constructive feedback after the training session.
- In addition, Supervisors, Managers, and Directors will also be held responsible for their own employees/direct reports completion of the required training.
- Completion of training for Supervisors, Managers, and Directors must be within 60 days or less.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Training and Development	Section 502	
	Annual Training	Originated	09/23/2021
		Revised	09/22/2022
		Page 2 of 2	

## Training Format

1. The format of the training could be in the form of Computer Based Modules, in person training via Zoom or classroom, and any method management and Human Resources deems necessary for the overall training program.

## In person Training

1. Additional training will be given in person or via Zoom to refresh all employees on topics including but not limited to: Progressive Discipline, PAR's, and Disciplinary Action Forms.
  - a. This type of training will serve in addition to the annual Computer Based Module training suite.
  - b. Training times will be held at various times TBD throughout the year. A training sign-up sheet will be used to track all personnel to make sure we have attendance at all in person training or Zoom training.

## Failure to Complete Training Modules and in-person Training


Failure to complete training will result in a verbal warning under the Progressive Discipline process as written in The MCN Human Resources Policy and Procedure Manual.

Continued failure to complete mandatory training could result in further disciplinary action up to and including termination.

## Goals of the Training

1. Goals for all training are to create a better understanding of the workplace practice that can negatively affect our employees and how to correct those actions. Additionally, the modules will refresh and make the way for an overall better working environment. In person training is a refresher of our current processes and procedures so that we can make sure existing and new Supervisors, Managers, and Directors stay up to date on current processes and policy and new processes and policy as needed.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Planning, Selection and Development	Section 502	
	Performance Evaluation Standards	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

1. Each employee will undergo a Performance Evaluation once every fiscal year.
2. Performance Evaluations shall be conducted by an employee's immediate supervisor or manager.
3. Human Resources (HR) shall notify supervisors and managers once a quarter to complete their employees' Performance Evaluations.
4. Performance Evaluations shall also be conducted at the end of the sixty (60) day conditional employment period, thirty (30) days after a transfer evaluation period and whenever an employee is considered for a promotion or wage increase.
5. Performance Evaluations shall be a basis for implementing wage increases. Additionally, supervisors are encouraged to use the Performance Evaluation as an opportunity to confer with employees as to specific attributes of their job performance and to give the employee specific suggestions on improving their job performance.
6. Upon the completion of the Performance Evaluation, a copy of the evaluation shall be sent by the evaluating supervisor/manager to HR to be included in the employee's personnel file.
7. Evaluations are to be completed in the Human Resource Information System (HRIS).

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Employment Classification System	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	

## Policy

The employment classification system shall set a uniform employment standard for the hiring, transfer and termination process administered according to the purpose and policy set forth in general employment policies. Staffing shall be accomplished through full-time, part-time, temporary and Employment and Training programs.


### Executive, Managerial, Salaried and Hourly Classification

1. Human Resources (HR) shall initiate the employment process upon completion of the application process.
2. All personnel, unless elected or appointed, shall be selected from the applicant pool or from current employees.
3. Qualified employees of The Muscogee (Creek) Nation (MCN) shall also be given preference. These preferences shall be based on past job performance.
4. The employment process shall be uniform and standard to ensure each applicant the same opportunity for employment.
5. An applicant may be employed with a deficiency if a qualified person is not available; however, such employment is conditional upon a written action plan, including a timeline to rectify the deficiency in the job specification.
6. The decision for hiring shall be vested with the department where the person is to be employed. Approval shall be lodged at the next higher level in the management organization. The Principal Chief reserves the right to review any Staffing Order and veto any hiring decision.

### Contract Classifications

1. Managers shall submit all employment contracts to budgets and contracts. These contracts shall then be reviewed and approved by the Office of the Attorney General, the Office of the Tribal Administrator, and signed by the Principal Chief. Any contract for employment that is not submitted through the proper channels shall be invalid and payment will not be made in any circumstances.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Employment Classification System	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 3	

- Contract employees must not begin performing services until the department receives the approved, signed contract. Any work performed prior to this will not be compensated.
- All contract employees shall be subject to MCN Policies and Procedures. This includes, but is not limited to, policies related to background checks and drug testing.
- The employment contract classification shall be known as the Special Employment Program.
- Special Employment Programs shall be utilized to employ specialists who can provide the MCN with needed expertise in particular fields.

## Elected Classification

Positions in this classification are filled through the elective/appointment process. Elected officials and individuals are appointed by the Principal Chief and confirmed by the Muscogee National Council in accordance with the Ordinance and laws of MCN.

## Employment and Training Programs


Employment and Training Programs (i.e., WE and W.I.A.) shall be utilized to provide employment training, work experience, and basic employment for qualified personnel. These programs are administered by the Employment and Training office.

- The Employment and Training office shall administer the hiring process for all job programs under its direction.
- Upon completion of the interview process, the Employment and Training office shall forward a Staffing Order to HR.
- Upon approval of the Staffing Order, Employment and Training shall make the job offer.

## Temporary / Emergency Hires

- If, due to special need, a vacant position must be filled immediately, an individual may be hired to fill the vacant position on an emergency temporary basis.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Employment Classification System	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 3	

2. The length of the emergency temporary term of employment shall be thirty (30) working days.
  - Exception:  
The term may be extended one (1) time for an additional thirty (30) working days but cannot exceed sixty (60) days. The extension must have the prior approval of the major department head in whose area the position exists and HR.
3. The regular application and employment process must commence for the position immediately upon hire of the temporary/emergency hire.
4. An emergency temporary employee (i.e., thirty (30) day hire) shall be classified as a full-time temporary or part-time temporary employee.
5. An emergency temporary employee may apply for the position they are filling or any other vacant position within MCN. However, an emergency temporary employee shall receive the same consideration as an outside applicant.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Code of Ethics		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	


## Policy

The mission of The Muscogee (Creek) Nation (MCN) is to sustain a powerful visionary government through a legislative, judicial, and executive alliance for the purpose of serving its tribal citizens. The office of the Principal Chief encourages professionalism and the highest standard of quality of service at all levels of tribal government. To achieve this goal employees and officials have an obligation to act in ways that will merit the trust, confidence and respect of Creek citizens and the general public.

To fulfil this obligation employees and officials shall adhere to the highest standards of conduct, personal integrity and honesty; and must maintain the highest principles and moral standards. Officials and employees must carefully evaluate their decision and the possible outcomes because they affect the health and well-being of those being served. Some of the standards of ethics and conduct that employees must follow include, but are not limited to;


1. Employees and officials must commit to:
  - a. Uphold the values, ethics and mission of MCN.
  - b. Adhere to the highest standards of ethical and professional behavior.
  - c. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all activities in order to inspire confidence and trust.
  - d. Respect the customs, practices, pride and dignity of all people. Then serve them with respect, concern, courtesy, and responsiveness.
  - e. Refrain from participating in any activity which demeans the credibility and dignity of MCN.
  - f. Approach tribal administration and duties with a positive attitude and constructively support open and honest communication, creativity, dedication and compassion.
  - g. Avoid any interest or activity which is in conflict or gives the appearance of being in conflict, with the conduct of official duties.
  - h. Comply with all tribal, federal, state and applicable laws.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Code of Ethics	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

- i. Respect and protect any privileged and privacy information to which access is gained in the course of official duties.
- j. Accept as a personal duty the responsibility to keep up to date on emerging issues and to administer the tribe's business with professional competence, fairness, impartiality, efficiency, and effectiveness.
- k. Eliminate all forms of fraud and mismanagement of tribal funds, and support responsible efforts to correct such fraud, mismanagement, or abuse.
- l. Support tribal communities, to be good citizens, support good works and charities, and carry a fair share of the tribal workload.
- m. Lead and encourage MCN in the use and improvement of standards, sound business practices, new technology, new ideas, and calculated risk-taking.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Conduct		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	


## Policy

This policy outlines the expectations by The Muscogee (Creek) Nation (MCN) regarding employee behavior toward colleagues, management, citizens and the overall tribal government. MCN is committed to the highest regard for law and ethics and employees and others who are engaged to provide services, are bound by MCN employment policies to follow these rules of conduct while performing their duties on premises, attending company functions or otherwise performing work related activities. This policy applies to all employees.

1. Expectations of employee conduct include, but are not limited to, the following:


- a. **Compliance with the law** –Employees are expected to comply with laws and regulations, be ethical, and be responsible when dealing with MCN’s citizens, finances, products, partnerships and public image.
- b. **Respect in the workplace** – Every employee has a responsibility to treat each person with respect. MCN will not allow discriminatory behavior, harassment or victimization. Employees have a right to a healthy, safe and secure working environment.
- c. **Professionalism** - All employees must show professionalism and integrity in the workplace and promote appropriate professional values, attributes and behaviors which together set the tone for MCN.
- d. **Attendance and job duties** - Each employee shall be responsible for his/her attendance and the performance of his/her job duties and responsibilities as described in the job description and such other duties and responsibilities as may be delegated by his/her supervisor.
- e. **Conflicts of interest** - Employees are encouraged to conduct his/her personal affairs in a manner which does not cause the employer to lose services and avoid any personal, financial or other interest that might hinder their capability or willingness to perform their job duties.
- f. **MCN property** – All employees should treat MCN’s property, whether material or intangible, with respect and care. Employees should also protect MCN facilities and other material property from damage and vandalism, whenever possible.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Conduct		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

- i. Employee should not misuse company equipment or use it frivolously.
- ii. Employees should respect incorporeal property. This includes trademarks, copyright and other property information, reports, etc. Employees should only use them to complete their job duties
- g. **Benefits** – Employees are not to abuse their employment benefits. This can refer to time off, insurance, facilities or any other benefits MCN offers.
- h. **Mail** - Due to security reasons all mail sent or received by employees must be related to tribal business only.
- i. **Employment and fundraising** outside normal working hours shall be permissible however; such shall not be conducted during working hours. Outside employment shall also not be conducted which is in conflict or give the appearance of conflict of interest
  - i. MCN property and equipment shall not be utilized in conducting outside business ventures or fundraising.
  - ii. Annual leave must be utilized if doing a fundraiser during working hours.
- j. **Media and Press Communications** – News releases and contact with the media play a significant role in shaping public perceptions. It is important that such interfaces are carefully managed. Employees should direct members of the media to the Public Relations Department rather than provide information directly to the media.
- k. Title to any product, copyright, patent, trademark, trade name, license, system, invention, and the like, developed and/or discovered by any employee shall inure to MCN; however, such individual or individuals shall be given credit for development or discovery. The individual's contribution to such work shall be noted in the individual's performance evaluation and noted in their personnel file.
- l. If any employee believes they have been instructed or requested by MCN, or anyone acting on behalf of MCN to engage or participate in any unlawful or unethical activity, the employee should immediately contact their manager, cabinet secretary or Human Resources.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Conflicts of Interest		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy


This policy outlines the rules regarding conflict of interest and the responsibilities of the employee. It also refers to any case where an employee's personal interest might contradict the interest of The Muscogee (Creek) Nation (MCN). Employees are expected to adhere to high ethical standards and avoid situations that create an actual or perceived conflict between their personal interest and those of the Nation. Conflicts of interest are unwanted circumstances as it may have heavy implications on the employee's judgement and commitment to MCN's goals.

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

\* Per NCA 17-008 Exemptions include:


- a) Employees of the Nation may teach part-time or be an adjunct professor at the College of the Muscogee Nation.
  - b) Employees of the Nation who possess special skill and services of cultural significance that would receive pay for providing services or classes that would help preserve and educate others on the heritage, traditions and/or culture of the Muscogee (Creek) Nation.
3. Examples of conflict of interest are, but not limited to the following:
    - a. The employee's ability to use their position with MCN to their personal advantage.
    - b. Employees engaging in activities that will bring direct or indirect profit to a competitor.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Conflicts of Interest</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page <b>2</b> of <b>2</b>	

- c. Employees using connections obtained through The MCN for their own private purposes.
- d. Employees using company equipment as means to support external business.
- e. Taking bribes or bribing someone.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Confidential Information</b>	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 2	

## Policy

This policy explains how we expect The Muscogee (Creek) Nation (MCN) employees to treat confidential and proprietary information. Employees will unavoidably receive and handle personal and private information about patients, clients, citizens, and tribal information. Careful custody and handling of this information within documents, notes and material containing confidential information must be handled with care. Such private and confidential information should only be given to those persons at MCN who have a “need to know” and the authority to know in order to function in their jobs.

Confidential information includes, but is not limited to, the following:


1. Patient/clients names, addresses, phone numbers and social security numbers.
2. Employee salaries, performance reviews and personnel files.
3. MCN costs and financial data.
4. Bank statements / Payroll records.
5. Citizen /Tribal Member Information.
6. Marketing and sales data and plans.
7. Anything marked “Confidential”.
8. Medical records/HIPPA.
9. Background checks.
10. Client/Patient files.
11. Federal Grant Applications and/or Information.

## Employee Responsibility

1. Employees are not to disclose any such confidential information to (a) any other person in the Nation unless there is a legitimate reason for doing so; or (b) any person outside the Nation unless Managers, Directors or Executive Management has expressly stated that the information can be disclosed to that person.
2. All information obtained while working for MCN (verbal, written, computer file, case file, or MCN computer network) is considered confidential unless otherwise stated in writing. Matters of confidentiality must be respected by all individuals representing MCN and maintained in a manner that ensures its privacy and safety.
3. Confidential information should not be discussed in open areas (i.e., break rooms, hallways, dining room, lobbies, etc.).




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Confidential Information	Originated	01/09/2019
		Revised	09/22/2022
		Page 2 of 2	

4. All communication systems, e-mail, Internet access, and voicemail are the property of MCN and any unauthorized access or disclosure of confidential information is subject to immediate disciplinary action, up to and including termination.
5. Each employee is responsible for a reasonable degree of care to prevent and safeguarding against the theft, loss, unauthorized use, or disclosure of this information. Employees must take whatever steps are necessary to ensure that such information is handled, stored, transmitted or destroyed in a proper manner.
6. Any employee who is found transferring or removing confidential documents from MCN without authorization shall be subject to disciplinary action, up to and including termination.
7. All employees must sign a confidentiality agreement during new hire orientation that grants MCN the exclusive patent rights to any invention created or associated with our technology and/or the copyright to any materials created while the employee is employed with MCN.
8. Employees will not reproduce confidential information nor use this information commercially or for any purpose other than the performance of his/her duties. Employees shall be especially careful with information in any medium, including, but not limited to, paper and electronic with care to prevent unauthorized use or disclosure of protected health information or other confidential information.
9. All passwords, verification codes and electronic signature codes assigned to employees are equivalent to their personal signature: for their use only; and not to be shared. Employees will not attempt to learn or use passwords or codes of others; will be accountable and responsible for all entries made and retrievals accessed using such passwords or codes; and report individuals utilizing their passwords or codes.
10. Employees will upon request or upon termination of his/her relationship with MCN, deliver any drawings, notes, documents, equipment and other materials received from The MCN or originating from activities for MCN.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Work Station Reporting		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 1	

## Policy

The Muscogee (Creek) Nation (MCN) depends upon each and every employee for this nation to be successful. It is important that employees attend to their work stations as scheduled. Attendance, punctuality, dependability and a commitment to do the job right are essential at all times. As such, employees are expected to work on all scheduled work days and during all scheduled work hours.

1. Each employee shall be responsible for reporting to their respective work stations at the prescribed hours.
2. Each employee is responsible for remaining at their respective work station for the prescribed hours unless management has directed otherwise.
3. **Call in procedure** - Employees who are unable to report for work or find that they will be late should notify their supervisor thirty (30) minutes before or within thirty (30) minutes after reporting time. Failure to report is just cause for disciplinary action.
4. **No call, no show** – Employees who fail to report to work without prior notice and have not reported to their work station, nor called in within four (4) hours after the start of work hours, are considered a “No call no show.” Failure to report to work is a cause for disciplinary action up to and including termination, unless extenuating circumstances are involved.
5. **Job abandonment** - Employees who fail to report to work for three (3) business days without properly communicating to their supervisor or manager the reasons for their absence will be viewed as voluntarily terminating their employment as of the third day.
6. **Emergency** – If an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use a phone.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Attendance Tracking		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy


The purpose of this policy is to set forth The Muscogee (Creek) Nation's (MCN) policy and procedures for handling employee absences and tardiness. Punctual and regular attendance by the employee is essential to the success of MCN therefore employees are expected to report to work as scheduled, on time and prepared to start working. Employees are also expected to remain at work for their entire schedule. This policy does not apply to absences covered by the Family and Medical Leave (FML) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA).

1. All employees receive an identification badge upon being hired. These badges must be worn at all times during an employee's work day.
2. Employees must use their badges to clock in when beginning their work day and clock out when ending. The employee must also clock out when leaving for lunch and clock in when returning to work. They must clock in at their designated worksite and remain there, unless proper authorization to leave is received.
3. An employee **cannot** clock in at worksite and then leave to take care of personal business while on company time.
4. For those employees who do not have access to badge readers, an alternative method of tracking must be used.

Example: Time clocks and/or sign in/out sheets.

5. Failure to Clock In and/or Out
  - a. Any employee who fails to clock in and/or out, upon arrival at work, lunch break, and departure from work, four (4) times within a rolling period of three months shall be reprimanded as follows:
    - i. Verbal warning with a plan of improvement implemented (1<sup>st</sup> occurrence).
    - ii. Written warning with one day suspension without pay (2<sup>nd</sup> occurrence).

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Attendance Tracking</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	


iii. Written warning with five (5) days suspension without pay (3<sup>rd</sup> occurrence).

iv. Termination (4<sup>th</sup> occurrence).

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

7. Management may use discretion upon reasonable cause for tardy.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Dress Code		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 5	

## Policy


It is the policy of The Muscogee (Creek) Nation (MCN) that all employees, contractors, students, and volunteers adhere to the dress code while performing their regular job duties and when representing The MCN. All grooming and personal hygiene should be appropriate to the employee's current work situations and a professional image maintained. There are additional dress code guidelines set forth for employees of The MCN Department of Health (MCNDH) within this policy.

## Standards

- The following dress code items are **not** permitted as they do not display a businesslike appearance and are unacceptable in the workplace.


Sleeves	Tube-tops, tank tops, spaghetti straps, halter tops, and athletic tops are not permitted.
Tops-Styles	<p>Gym or yoga tops or faded, old or tight-fitting t-shirts. Tops made of sheer, see-through revealing fabrics. Tropical camp shirts, oversized baggy sweaters, or pajama style tops. Shirts with silkscreen logos or printing of any kind (excluding approved shirts with MCN or MCN Department logos) Tops that reveal the abdomen when standing, lifting, or bending over. Tops that expose cleavage, bra, back, shoulder, chest, lower back, or undergarments are not allowed. Wrinkled, shrunk, faded, stained (including under arms), or those showing visible signs of wear.</p> <p>MCNDH Employees- Scrub tops unless working in patient care areas.</p>
Jackets	<p>Sweatshirts or "hoodies" of any kind worn inside work areas. Team, ski or gym jackets.</p> <p>MCNDH Fleece Jackets or vests are not allowed in clinical or patient care areas for MCNDH employees.</p>

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Dress Code		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 5	


Dresses	Spaghetti strap dresses, flannel dresses, sheer or revealing dresses, back-less or strapless dresses of any kind are not permitted. Any dress that is not at least knee level with high, immodest slits.
Skirts	Leather, flannel or neon colored, costume style skirts, miniskirts, skirts above the approved knee length or that stop at mid-thigh or shear skirts worn without lining or a slip.
Pant Styles	<p>Denim jeans of any kind or color, leather pants, cargo pants, shorts of any length, cut-offs, leggings, overalls, yoga, aerobic or sweat pants, faded, torn or stained. Baggy pants worn below the hips or that expose undergarments. Shrunken or tight pants of any kind.</p> <p>Exception: Denim jeans worn on casual Friday, or the last day of the work week, is acceptable if your departmental policies allow.</p> <p>MCNDH employees are not permitted to wear scrub bottoms if not working in a patient care area.</p>

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Dress Code		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 5	

Footwear/Sandals	<p>Flip-Flops or beach wear of any kind. Dirty, odor-ridden, worn, or stained. Footwear that does not comply with MCN specific safety regulations.</p> <p>MCNDH employees are not allowed to wear open toe shoes of any kind, including sandals, slippers, or bare feet in patient care areas. Crocs can only be worn by patient care employees without accessories or holes.</p>
Jewelry	Exposed eyebrow, tongue, cheek, lip, nose, chest, back, or bell piercings are subject to approval.
Tattoos	Visible tattoos on the body such as chest, neck, arm, abdomen, leg, ankle, foot and back are subject to approval.
Employee Badges	<p>Non-MCN pins, stickers, and other distracting adhesives worn on badge or badge holder.</p> <p>Lanyards used to hold ID badges are not permitted for employees working in direct patient care.</p>
MCNDH Nursing	No sweatshirts, hoodies, and/or fleece jackets. Any clothing that is dirty, ill-fitting or fails to meet the standards outlined in this policy. Scrub shirts, tops or jackets in any color other than as designated by Department Manager, t-shirts can only be worn underneath scrub tops.
Head Gear	Music headphones or other distracting headgear may not be worn in public areas.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Dress Code</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 4 of 5	

Glasses	Sunglasses worn inside the workplace whether on the face or head.
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2. The following grooming standards shall be unacceptable in the workplace for MCN employees:

Grooming Technique	Unacceptable
Body Odor	Perfume or cologne that might interfere with those who are ill or allergic to such odors or fragrances, particularly.
Hair-Face	All Sideburns, Moustaches and beards are acceptable, but should be kept neatly trimmed.
Hair	Hair should be neat, clean, and appropriately maintained, with no extreme colors.
MCNDH Employees Fingernails	Artificial nails/ enhancements may not be worn in patient care area and natural nail tips should be kept to 1/4 inch in length.

3. Employees Dress Code Guidelines:

- a. All employees, contractors, students, and volunteers shall adhere to the MCN Dress Code while performing their regular job duties and when representing MCN to the public.
- b. All employees, contractors, students, and volunteers that are assigned departmental specific uniforms shall wear their uniform in compliance with the MCN Dress Code.
- c. Managers, directors, cabinet members and administration shall retain the discretion to set standards at a higher level for employees, based on customer/patient contact or job function and safety.
- d. Departments requesting exceptions to this policy shall submit their request to

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Dress Code		Originated	09/01/2009
			Revised	09/22/2022
			Page 5 of 5	

their departmental manager with final approval made by their respective cabinet secretary.

- e. “Casual Friday” - Employees may wear jeans and MCN t-shirts on Fridays or last day of workweek, if they are not scheduled for meetings or other business related activities. The appropriateness of the jeans and t-shirts is at the discretion of management.
- f. MCNDH Medical Providers shall wear professional attire with a white lab coat as optional.
- g. At the discretion of the manager, some departments may require their employees to have a less strict dress code, based on the nature of their job, or for specific tasks. All safety requirements must be in compliance.

Example:

GSA, Facilities, Food Distribution, and Children & Family Services.

## Discipline

MCN reserves the right to determine appropriate dress at all times. Any employee who does not adhere to all standards set forth in this policy will be required to take corrective action to alleviate the problem.


1. Corrective action may include but is not limited to leaving the worksite to change into appropriate attire or suspension.
2. Any work time missed due to failure to comply with policy may result in the use of annual leave for the first offense and disciplinary action of leave without pay or suspension for further offenses.

## Enforcement of This Policy

It is the responsibility of the department supervisor/managers and cabinet secretary to enforce this policy. Failure to enforce said policy may result in disciplinary action.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Purchasing of Uniforms and Clothing	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 1	

## Policy

### Required uniforms and safety gear

1. Uniforms and required gear for all employees will be determined by the appropriate management as to style, color and logos.
2. Replacement uniforms and gear required as a result of abuse or misappropriate action by the employee will be at the employee's expense.
3. Special foot wear considered as part of uniform may be allowed once per year.

### Safety Clothing

1. Employees working in construction, road crews or other positions subject to outdoor and/or safety conditions will be restricted to no more than five (5) shirts per year.
2. All apparel must be appropriate, reasonable in price and uniform as to style, colors and logos for all employees within the department or program.
3. Coats, work boots or safety gear may be supplied to employees only where required by the nature of the job, once a year.
4. Justification must be made for all purchases.
5. Any additional uniforms or gear will be at the expense of the employee.

### Budget, Grant, and or contract restrictions

All unit managers should check with their funding source, especially federal/state grants to make sure this type of purchase is an allowable expense under their grant or contract agreement.


### Tribal Programs

Tribal programs can purchase T-shirts for volunteers and participants for camps and challenge bowl, etc.

### Other Clothing Attire

Any other items which deviate from the stated policy in style, color, quantity, or for any personal preference will be at the expense of the employee.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Emergency Facility Closing	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

During emergency situations The Muscogee (Creek) Nation (MCN) or parts of it, may suspend operations or release employees because of the danger or welfare associated with it. Some examples for closure include: Inclement weather, power failure, loss of water, water leaks, gas leaks or road closings.

1. Emergency Management shall notify the Office of Administration – Tribal Administrator of any facilities closing, citing duration and cause.
2. The Office of Administration – Tribal Administrator shall notify affected personnel if lost work time is anticipated.
3. Lost time shall be recorded on the timesheet as administrative leave, inclement weather leave or leave without pay. Employees will be notified how lost time is recorded due to emergency facility closure.
4. If an employee is currently on leave or on preapproved leave, then the employee is not subject to administrative or inclement weather leave.


## Inclement Weather

If a facility of The Muscogee (Creek) Nation (MCN) is closed or a dismissal is ordered by the Office of Administration – Tribal Administrator due to inclement weather, all employees in that facility shall be granted leave of absence with pay. Inclement weather leave shall not be available to employees who are unable to get to work due to inclement weather in their area if tribal facilities are open.

All Health facilities are to remain open until ordered closed by the Cabinet Secretary of Health.

1. Weather and road conditions shall be monitored by the Emergency Management Office and MCN Lighthouse through contact with appropriate agencies and authorities.
2. The Principal Chief and Tribal Administrator will be updated by the Emergency Management Office, when in their opinion, the road conditions are too hazardous or the safety and security of personnel may be jeopardized.
3. The Office of Administration – Tribal Administrator, if deemed appropriate will order


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Emergency Facility Closing	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

the facilities of MCN to be closed.

4. If inclement weather occurs during normal working hours employees shall be notified and directed to leave or take other appropriate action.
5. If inclement weather occurs during non-working hours, employees will be notified by the Emergency Management's office mass notification system. Mass emails will be sent to all employees, The MCN PBX will be updated to include a message and attempts will be made to contact local radio and television networks for the announcement of closings.
6. Lost time due to the closing of the facilities because of inclement weather shall be recorded as inclement weather leave. If the facilities are open but employees are unable to get to work due to inclement weather in their area, the lost time shall be recorded as annual leave or leave without pay.
7. If an employee is currently on leave or preapproved leave then the employee is not subject to inclement weather leave.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Hours of Operation	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

1. Normal hours of work shall be established by each department. These hours apply only to normal functions or services being administered and are not applicable to committee, council, or community meetings or classes being conducted.
2. Special hours, alternative work schedules, including shift work, shall be preapproved and communicated to affected employees.

## HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies	Section 503	
	<b>Lunch Hours</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

### Policy

All employees who work more than six hours on a given day are provided a one (1) hour lunch break which is unpaid. For some positions, The Muscogee (Creek) Nation (MCN) reserves the right to schedule lunch breaks to avoid any negative impact on the departmental operation.

1. All employees are entitled to one (1) hour for lunch. Employees shall take their lunch break between the hours of 11:00 a.m. – 2:00 p.m. Any variation from the normal lunch hours must be authorized by a supervisor.
  - a. Supervisors should stagger the lunch schedules of their employees so that offices are staffed during lunch hours.
2. Any time utilized over one (1) hour for a lunch break is subject to the leave policy.
3. Employees who utilize more than the allowed one (1) hour lunch break without preapproval of leave, are considered tardy and are subject to penalties.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Work Breaks	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

The Employee Break Policy describes how employees should take breaks during their work day. We want our employees to be able to rest, eat, smoke and relax for some time during their workday to foster a pleasant workplace. Taking or not taking a break is a voluntary action on the part of the employee. Therefore, an employee who does not take a break cannot accrue either compensatory time or annual leave time for the missed break time.

## Rest Breaks

All Employees can take one fifteen (15) minute break for every four (4) hours worked.


1. All employees shall be allowed one (1) fifteen (15) minute break between the hours of 9:30 a.m. – 10:30 a.m. and the hours of 2:30 p.m. – 3:30 p.m. Breaks cannot be divided to allow the employee more than one (1) in the morning and one (1) in the afternoon. They also cannot be combined into one (1) thirty (30) minute break.
2. Employees who take more than the allowed fifteen (15) minute break are considered tardy and are subject to disciplinary action and must utilize annual leave or leave without pay.
3. Employees are not allowed to go off site for rest breaks.

Example: Driving from one location to another in order to take a break with another employee.

## Walk Break

1. Employees are allowed one (1) fifteen (15) minute walk break each day. This break is separate from the other break times. However, an employee may utilize their walk break in conjunction with either the morning break or afternoon break. During the walk break, an employee **must** walk; this time is **not** to be used for visiting, smoking, etc.
2. Employees who take more than the allowed fifteen (15) minute break are considered tardy and are subject to disciplinary action and must utilize annual leave or leave without pay.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Work Breaks	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

## Restroom Breaks


Employees can take reasonable restroom breaks, whenever they need to, as part of their workday.

## Breastfeeding Breaks

MCN supports breastfeeding mothers in the workplace by providing flexibility to allow sufficient time to express milk or to breastfeed a baby brought in by a care provider. Employees who want to pump/express milk may do so within the rest break period of fifteen (15) minutes.

1. Time spent beyond the normal fifteen (15) minute break time is considered to be unpaid.
2. This break is not considered to be in addition to the rest break period.
3. The employee and the supervisor can make arrangements to make up time lost or use available paid leave in accordance with existing MCN leave policies.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Chain of Command		Originated	01/09/2019
			Revised	09/22/2022
			Page 1 of 2	

## Policy

This policy is to provide an organized process to address concerns related to employees, establish communication within The Muscogee (Creek) Nation (MCN) and provide delegation of authority in leadership absence for organizational structure and sustainability. Employees are strongly encouraged to follow the Chain of Command and this line of communication is expected to be honored upward and downward.


1. In the event an employee has a complaint, suggestion, or observation regarding their employment, co-worker, supervisor, manager or cabinet secretary, including but not limited to adverse decisions, scope of work, duties and responsibilities, reporting misconduct, hostile work environment, office safety and/or threats, it is the employee's responsibility to notify their supervisor utilizing the chain of command through each level to the Principal Chief.
2. If the employee is not satisfied with the supervisor's response, the Chain of Command should be followed.

Tribal Government Employees	Tribal Health Employees
1. Supervisor	1. Supervisor
2. Manager	2. Manager
3. Cabinet Secretary	3. Health Administrator
4. Human Resources	4. Chief Officer
5. Tribal Administrator	5. Secretary of Health
6. Second Chief	6. Tribal Administrator
7. Principal Chief	7. Second Chief
	8. Principal Chief

3. It is the policy of MCN that employees in the position of managers or above shall be authorized to delegate supervisory and signature authority to maintain daily operations.
4. In the event a manager or above has given designated authority, the designated authority shall take the place of the person on the chain of command list.
5. The Human Resources (HR) Department serves as an employee advocate and represents MCN in employment-related issues. HR is available to employees at any time to discuss concerns and issues and make suggestions or comments regarding any employment-




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Chain of Command	Originated	01/09/2019
		Revised	09/22/2022
		Page 2 of 2	

related topic. While HR will practice an open-door policy, employees are encouraged to follow the Chain of Command.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Planning, Selection and Development	Section 502	
	Fraternization	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 1	

## Policy

While The Muscogee (Creek) Nation (MCN) encourages amicable relationships between members of management and their subordinates, it recognizes that involvement in a romantic relationship may compromise or negatively impact work. It creates a perception of favoritism and conflict of interest that compromises management's ability to perform his/her job. For this reason MCN desires to avoid situations where there is a romantic, personal or marital relationship between a supervisor and a subordinate, or between co-workers in the same department.

1. Any involvement of a romantic nature between a cabinet secretary, director, manager, supervisor, and anyone he/she supervises directly is prohibited.
2. Employees with, or who develop, such relationships must immediately notify and disclose all relevant circumstances to their immediate supervisor or Human Resources (HR).
3. Although there is no absolute prohibition regarding such relationships, MCN reserves the right to take appropriate action, on a case by case basis, according to relevant circumstance.
4. Violation of this policy will lead to corrective action up to, and including, termination of the management individual involved in the relationship.
5. Should fraternization create a direct reporting relationship between the employees, one employee would be required to resign his/her position or transfer within ninety (90) days to another department to eliminate any conflict of interest.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Nepotism		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy

The Muscogee (Creek) Nation (MCN) is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of, or in opposition to, the employment of relatives. However, due to a potential for actual or perceived conflicts such as favoritism, relatives may not be hired, considered for assignment, transfer or promotion within a department, or within one step of a relative's position on the organizational chart.


1. Relatives may not be hired, considered for assignment, transfer, or promotion if employment would:
  - a. Create a direct relationship with a family member.
  - b. Have the potential for creating an adverse impact on the work performance, wages, evaluations, corrective actions or discharge.
  - c. Create a real or perceived conflict of interest.
2. Restrictions include the following for relatives:
  - a. Immediate family - defined as a parent, spouse, child, sister, brother, grandparents of the employee or his/her spouse, and grandchildren of the employee, or "In-law", "foster", "step" and legal guardians within these relationships.
    - i. Spouses included are by law and common law.
    - ii. Siblings – One or more persons having one common parent.
  - b. Relatives by blood or adoption – uncles, aunts, nephews, nieces.
  - c. Restrictions also apply to romantic relationships, cohabitating couples and significant others.
3. An employee may be affected by an individual elected to Principal Chief, Second Chief, board, incoming cabinet member, or manager. Should the election process or hiring process create a direct reporting relationship of a family member, the employee would be required to resign his/her position or transfer within 90 days to another department to eliminate any conflict of interest.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Nepotism		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

4. The effected employee will be given ninety (90) days to find another job but shall stay in the same position for the duration of the ninety (90) days.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Political Activity		Originated	12/10/2021
			Revised	09/22/2022
			Page 1 of 2	

## Policy

The success of The Muscogee (Creek) Nation (MCN) is dependent upon the trust and confidence we earn from our employees and citizens through our Code of Ethics and our business conduct. MCN encourages employees to participate in their tribal, local and state political activities, but participating in these activities must be conducted on the employee's own time. Annual leave or personal leave may be requested to conduct such activities.

1. The following activities are prohibited from being performed while on duty:

- a. Demonstrating
- b. Counting and recounting votes
- c. Circulating petitions
- d. Soliciting votes or contributions at any time in any working area at an MCN facility
- e. Conducting or participating in opinion polls
- f. Fundraising
- g. All other activities not considered part of the employee's normal duties.

2. All employees of the Executive Branch and its subordinate offices shall be prohibited from serving on The MCN National Council or any board or agency where a conflict of interest may occur.

3. All employees shall be prohibited from engaging in MCN political election activities, directly or indirectly, during work hours.

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

4. Any person or persons who is coerced, intimidated or otherwise threatened by another employee regarding political activity must immediately report this action to their manager. MCN laws prohibit such action.


## Compensation of Inspectors, Judges, Clerks, and Precinct Workers

In accordance with NCA 21-130; Tribal Employees shall be eligible to be inspectors, judges clerks, and precinct workers, but shall only be eligible for flex time for the number of hours worked.

Example: 1 volunteer hour worked = 1 hour of flex time

Tribal Employees shall not be paid a stipend.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Political Activity		Originated	12/10/2021
			Revised	09/22/2022
			Page 2 of 2	

## Mileage

Mileage reimbursement, for actual miles driven, will need to be pre-approved by your Supervisor. Approved mileage is paid in accordance with The Muscogee (Creek) Nation regulations under The MCN Policy and Procedure Handbook.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Licensure, Certification and Other Requirements or Provisions</b>	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 3	

## Policy

The purpose of this policy is to establish consistent procedures for the documentation of required licenses, registrations and certifications, maintenance of up-to-date records and disciplinary action for failure to comply with this policy. The Muscogee (Creek) Nation (MCN) requires that employees comply with the regulations for licensure, registration and certification established by and consistent with MCN, state and federal laws, and generally recognized professional and accrediting organizations. Such requirements or provisions are noted in the qualification standards or individual occupational requirements for those areas, and job descriptions. Departments establish the requirements for specific credentials when such credentials are necessary for that position.


### Documentation of licensure or certification at time of hire or transfer

1. Primary source verification of temporary permits, licenses, registrations or certifications are required prior to beginning work at MCN.
2. Individuals employed in positions requiring licensure, registration or certifications, as indicated in the job description are responsible for providing copies of their permit, license, registration or certifications to their supervisor/manager and they will forward to Human Resources (HR). Employees must possess the required licensure or certification at time of hire in order to perform their duties unless otherwise allowed by regulation.
3. Employees are responsible for complying with these requirements and are subject to disciplinary action up to and including termination if this documentation is not provided.

### Renewal of licenses, registration and certifications

1. Individuals employed in these positions are responsible for renewal of license, registrations or certifications prior to the expiration date.
2. Employees will be suspended without pay if required documentation is not received prior to the expiration date and will not be permitted to work until their license, registration, or certification has been verified according to the procedures stated in this policy.
3. Failure to produce documentation within thirty (30) working days after suspension may result in termination.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Licensure, Certification and Other Requirements or Provisions	Originated	01/09/2019
		Revised	09/22/2022
		Page 2 of 3	

4. An employee's failure to immediately report a loss or suspension of a required credential, or a department manager or supervisor's failure to immediately suspend from work an employee who has lost or had suspended required credential, is cause for disciplinary action, up to and including termination.
5. The department manager may reassign the employee to a job not requiring the temporary permits, licenses, registrations or certifications if applicable, or place the employee on appropriate leave status, including but not limited to compensatory time, annual leave, personal leave or leave without pay.

## Driver's license


1. Employees must possess a valid driver's license as a condition of employment with MCN.

Exception: Any individual under the American Disabilities Act (ADA) this requirement would be waived

2. MCN will conduct a driver's license verification and status check on new employees selected for positions within MCN. In addition, MCN will conduct periodic driver's license verification and status checks on all employees in positions involving the operation of a Tribal vehicle.
3. **Out of state license** - An employee who is hired by MCN and who holds a valid out-of-state driver's license will be considered to be a properly licensed driver for employment purposes. However, any such employee must obtain a valid Oklahoma driver's license within thirty (30) calendar days of the first day of employment.
4. If an employee's license is suspended or revoked, or is subject to modification or restriction, and such action prevents the employee from performing any part of his or her regularly assigned work duties, that employee will not be permitted to operate a tribal vehicle until the license is fully reinstated, renewed, or additionally modified.
  - a. Failure to make such notification to the employee's manager within twenty-four (24) hours may result in termination.
  - b. Driving privileges - Until the employee's driving privileges are restored, the employee and manager must sign a "vehicle non usage agreement" in HR.




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Licensure, Certification and Other Requirements or Provisions	Originated	01/09/2019
		Revised	09/22/2022
		Page 3 of 3	

- c. The employee has six (6) months to obtain a fully reinstated driver's license if their job duties do not require them to drive. If the employee is unable to obtain a fully reinstated driver's license within six (6) months, the employee is subject to termination.
- d. The department manager may reassign the employee to a job not requiring the operation of a tribal vehicle, or place the employee on appropriate leave status, including but not limited to compensatory time, annual leave, personal leave or leave without pay.
- e. Before the employee may resume operating a tribal vehicle:
  - i. Written confirmation from the Oklahoma Department of Public Safety verifying license reinstatement or conferring privileges to drive while at work, or a properly issued renewal license, must be presented to the supervisor and HR.
  - ii. The employee must be insurable through Risk Management.
5. Tribal law and Oklahoma law requires that holders of driver's licenses who have taken legal action to change their name (through marriage, divorce, or court action) and/or have changed their mailing address must notify the Oklahoma Department of Public Safety of such change(s) within ten (10) days. Employees will be expected to comply with this provision of the law and notify the Human Resources office with any changes regarding driver's license.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Telephone Usage		Originated	01/09/2019
			Revised	09/22/2022
			Page 1 of 3	

## Policy

The Muscogee (Creek) Nation (MCN) recognizes that the importance of telephone or similar device usage. This policy outlines the telephone definition and usage related to employment with MCN. The intended use of telephones which are provided to employees by MCN is to conduct Tribal business. While at work employees are expected to refrain from excessive personal use of telephones or similar devices as personal calls and other electronic communication during the work day may interfere with employee productivity and could be distracting to others.

1. Definition of Use - Telephone or similar device “use” includes cellular phones, but is not limited to: receiving or placing calls, text messaging, accessing the internet, receiving or responding to email, checking telephone voice messages or any other use of a telephone or similar device. This applies to both land lines and mobile for employment and personal use.
2. General Use - The intended use of telephones or similar devices which are provided to employees by MCN is to conduct Tribal business. Employees are expected to use and handle with care any telephones or similar device provided by the Tribe. Failure to do so may result in having the telephone or device taken away temporarily or permanently, paying for a replacement if damaged or lost or other corrective actions.
3. Personal use of Business Telephones - Employees are entitled to use the office or cellular telephones in case of an emergency. It is recognized that occasionally personal calls may have to be made or taken during scheduled working hours and these calls will be permitted. These calls must be kept to a minimum and should be interrupted immediately to handle incoming calls and/or business related situations.
  - a. Tribal property is not appropriated for employee personal use. Any device supplied to an employee for business purposes, as well as any information which may be stored on such a device, is the property of the Tribe.
  - b. Employees are not to use their business telephone to facilitate the storage, viewing or transmission of inappropriate content which may include, but is not limited to, pictures, text messages, websites, and applications.
  - c. Employees are expected to limit personal interactions during work time and make personal calls and/or send personal messages on non-work time. Employees are


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Telephone Usage		Originated	01/09/2019
			Revised	09/22/2022
			Page 2 of 3	

responsible to ensure that friends and family members are aware of this company policy.


- d. Phone calls during work hours must never include language that is obscene, discriminatory, offensive, prejudicial or defamatory.
4. Use of Personal Telephone While on Duty - Employees shall refrain from utilizing personal telephones and devices in guest areas or during work hours; unless approved by Manager or Supervisor. All personal cellular telephones and devices must be turned on silent or turned off prior to arrival at workstation. The devices may be stored in drawer, purse and/or personal vehicles and only may be utilized outdoors or in break areas during break periods. Inappropriate use of personal telephones or similar devices will be considered cause for disciplinary action up to and including termination.
  5. Use of Telephone at Meetings - To ensure the effectiveness of meetings, employees are asked to leave cellular telephones or similar devices at their desk or put their telephone on the silent or vibrate setting while attending a meeting. Employees shall also not use their cellular telephones during meetings for any purposes that are not directly related to the meeting.
    - a. Recording of meeting - Employees are not allowed to use their business or personal telephone/devices during a meeting to record any part of the meeting or allow parties not present to listen to the meeting unless they have been specifically authorized by management to do so and have informed all meeting attendees.
    - b. Unsafe work practices – It is required that in unsafe working conditions or certain situations (noise of a construction site, near heavy machinery, etc.) that telephones should not be used.
  6. Use of Cellular Telephone While Driving - An Employee who uses a company-supplied device or a Tribal vehicle is prohibited from using a cellular telephone or similar hand-held device while driving whether the business conducted is personal or business related.
    - a. If cellular telephones or similar devices must be used during vehicle operation, a hands-free device must be utilized. MCN will provide a hands-free device to Employees whose position requires them to answer the telephone while driving a vehicle.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Telephone Usage		Originated	01/09/2019
			Revised	09/22/2022
			Page 3 of 3	

- b. Employees who are not provided hands-free devices are prohibited from answering the telephone while driving. MCN is aware that Employees may at times utilize their cellular telephones for business related purposes while driving and not have a hands-free device; Therefore if not equipped to receive calls hands-free, you are required to stop your vehicle in a safe location.
  - c. Employees are expected to follow all applicable Tribal, State and Local laws pertaining to cellular telephone use while operating a motor vehicle and are expected to stay abreast of changes to these laws and regulations.
  - d. MCN has a zero-tolerance policy regarding texting while driving. If an Employee is found to be texting while driving a MCN vehicle, they will be subject to disciplinary action, up to and including, termination of employment.
7. Monthly Charges - MCN will periodically monitor the usage of telephones and devices that it has issued to employees. Monthly statements will be reviewed by management and any unusual charges will be discussed with the employee. Employees should refrain from excessive or irregular use of the telephone or similar devices for non-business purposes. Employees will be responsible for paying any data usage (texting, multimedia messaging, personal e-mail, etc.) charges applied to the bill which are deemed by management to be for non-business purposes. If this behavior occurs repeatedly the employee will be subject to disciplinary action up to and including termination of employment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Camera, Video, and Voice Recordings</b>		Originated	01/09/2019
			Revised	09/22/2022
			Page 1 of 2	

## Policy


The Muscogee (Creek) Nation (MCN) prohibits employee use of cameras, tape recorders, video recorders, mechanical recordings or wiretapping equipment in the workplace, including camera-equipped phones, tablets and other devices. In an effort to secure patient/client privacy and/or to protect trade secrets and other proprietary business information, recording devices must be for business purposes only and must be authorized by the department manager.

The Nation prohibits taping and recording of conversations or meetings unless the consent of all parties involved is obtained. However; MCN may tape, record, videotape, or otherwise monitor conversations or other communications between employees and/or between employees and non-employees for legitimate business purposes. Generally, employees will be notified when such taping or recording occurs, in accordance with applicable laws and sound employee relations principles. Under certain circumstances, however, notice may not be given, such as where MCN is conducting an investigation into allegedly unlawful or unethical activities, in conjunction with regulatory or other enforcement authorities, or law enforcement agencies.

## Restrictions on Employee Use

1. Employees are prohibited from bringing cameras or other video or voice recording devices into areas where patient or client privacy may be compromised.
2. Employees are prohibited from bringing cameras or other video or voice recording devices into areas and/or meetings where company trade secrets or proprietary business information could be disclosed.
3. Employees may record workplace activities that are not prohibited by law and/or do not compromise confidential information as described above. Please be mindful of the people whom it may affect.
  - Example:  
Any event where minors are involved and child privacy laws are applicable. Recordings could be harmful, endanger or invite unwanted attention or danger to the child.
4. In public settings please use common sense and respect a person's reasonable expectation of privacy.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Camera, Video, and Voice Recordings</b>		Originated	01/09/2019
			Revised	09/22/2022
			Page 2 of 2	


- Violations of this policy may result in disciplinary action up to and including termination. Violators who engage in illegal conduct may also be subject to prosecution under applicable tribal, federal, state or local laws.

## Monitoring

MCN reserves the right to install security cameras in work areas for specific business reasons, such as security, theft protection or protection of proprietary information.

- MCN may find it necessary to monitor work areas with security cameras when there is a specific job- or business-related reason to do so. MCN will do so only after first ensuring that such action is in compliance with MCN laws.
- Employees should not have any expectation of privacy in work-related areas.
- Employee privacy in non-work areas will be respected to the extent possible. MCN's reasonable suspicion of onsite drug use, physical abuse, theft or similar circumstances would be possible exceptions. Legal advice will be sought in advance in such rare cases where non-work-area privacy must be compromised.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Workplace Violence		Originated	01/09/2019
			Revised	09/22/2022
			Page 1 of 1	


## Policy

The safety and security of all employees is of primary importance at The Muscogee (Creek) Nation (MCN). Threatening and abusive behavior or acts of violence against employees, visitors, customers, tribal members, or other individuals by anyone on tribal property will not be tolerated. Violations of this policy will lead to corrective action up to, and including, termination and/or referral to appropriate law enforcement agencies for arrest and prosecution. MCN reserves the right to take any necessary legal action to protect its employees.

1. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on tribal property shall be removed from the premises as quickly as safety permits and shall remain off tribal property pending the outcome of an investigation.
2. If an employee makes threats, exhibits threatening behavior, or engages in acts of violence, MCN Lighthouse and Human Resources (HR) will conduct an investigation jointly. Following the investigation, an appropriate response will proceed. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.
3. All employees are responsible for notifying management of any threats or violence that are witnessed, received or that they are told by another person that they witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on a tribal property or is connected to tribal employment or tribal business.
4. Employees are responsible for making this report to their manager, supervisor or HR regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
5. MCN understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee, however total confidentiality cannot be promised.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Transfer</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	


## Policy

A transfer is an employment movement within The Muscogee (Creek) Nation (MCN) from one position or department to another.

1. To apply for a transfer use the application process in Human Resources Information System (HRIS).
2. Employees desiring to apply for a vacant position within MCN must have completed their sixty (60) day probation.
3. All transfer employees shall undergo a thirty (30) calendar day transfer evaluation period.
4. Any transfer of employment between entities of The MCN shall be effective no sooner than fourteen (14) days after the transfer is approved.  
Exception: The fourteen (14) day stipulation may be waived by the employee's current supervisor. However, the first day of a pay period stipulation cannot be waived.
5. All compensation time and flex time must be utilized before transfer occurs.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Promotion		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 1	

## Policy

These are the guidelines for advancing and promoting employees within The Muscogee (Creek) Nation (MCN). MCN wants to invest in employees and reward those who perform well. Promotion may be a move to a position of higher rank, responsibility, or salary.

1. An employee may be considered for a promotion at any time after the last annual performance review however, the manager or supervisor in making such consideration shall first conduct a performance evaluation of the employee based on the employee's current job description.
2. Promotions are subject to the availability of funds.
3. Employees shall be promoted based on their performance and workplace conduct.
  - a. Acceptable criteria
    - i. Education
    - ii. Experience in job or tenure
    - iii. High performance level
    - iv. Skillset that matches the minimum requirements for the new role
    - v. Personal motivation and willingness for change in responsibilities
4. The supervisor will initiate a Personnel Action Request (PAR) in the Human Resource Information System (HRIS) for promotion and the Office of Administration – Tribal Administrator shall have final approval.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies	Section 503	
	<b>Reclassification</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

Due to growth and changes at The Muscogee (Creek) Nation (MCN) there is a need for reclassification of employment. Reclassification may occur when an employee's job duties and responsibilities have changed substantially due to changes in organization, work, staffing requirements or technology. It can also be reclassified upon the assignment to a position that was inappropriate or was initially classified incorrectly.

1. Each employee is subject to reclassification.
2. Reclassification may occur in one of two ways:
  - a. In conjunction with a modification of the wage and salary structure.
  - b. When a job review of a certain position dictates the position be placed in a different job classification.
3. Personnel who are reclassified may be subject to termination or an alteration of their pay rate.
4. Personnel who are subject to displacement due to position reclassification shall be notified ten (10) days in advance of the job termination.
5. Any employee whose job is terminated due to reclassification shall be placed on lay-off status.
6. An employee who is reclassified is not subject to a new probationary period.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Resignation		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy

Employment with The Muscogee (Creek) Nation (MCN) is voluntary and subject to termination by the employee and MCN by “at will” anytime, with or without notice. This policy informs employees of the procedures for resignation or retirement. Resignation is an action of voluntarily severing his/her employment with MCN. This policy also informs employees of the exiting processes relating to the return of MCN property. Employees are asked to follow the guidelines below regarding notice and exit procedures.

1. The employee shall give a signed and dated letter of resignation to their supervisor or manager.
2. The resigning employee will be scheduled for an exit meeting with the department manager to ensure all tools and equipment are returned, and to provide an opportunity to discuss any questions or concerns related to employment with MCN.
3. Employees must return all property including keys, credit cards, tools, uniforms, cellphones, laptops and other equipment or will be deemed ineligible for rehire and may be subject to legal proceedings by MCN. All equipment or items must be returned in good working condition or will be subject to deduction from the employee’s final leave payout.
4. Departing employees will be asked to confirm their forwarding address to ensure benefits and tax information are received in timely manner. The final timesheet and leave shall be issued on the normal pay day via method of current pay and may be withheld until a final accounting takes place.
5. The procedure for resigning shall be:
  - a. The employee shall give a signed and dated letter of resignation to their supervisor or manager.
  - b. The immediate supervisor shall review the resignation letter, and then render a final accounting. The supervisor shall then forward the letter of resignation to Human Resources (HR).
  - c. The supervisor shall complete a Personnel Action Request (PAR) in the Human Resources Information System (HRIS) and any additional forms for Information Technology (IT) and General Services Administration (GSA), and then conduct


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Resignation		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

an exit interview with the employee; if the employee refuses or is unavailable to sign the exit interview form, it shall be noted on the exit interview form.

- d. The employee shall then proceed to HR to finish the exit interview process.
- e. Once the exit interview is complete, the manager shall immediately contact the following departments:
  - i. IT - to shut down the employee's computer and reroute incoming emails, change phone numbers, passwords and voicemails as necessary.
  - ii. GSA/Facilities - to change locks, and inventory if needed.
  - iii. Lighthorse - to be on alert, if needed.
  - iv. HR - upon completion of the resignation procedure, shall send the PAR to payroll.
6. Eligibility for rehire - employees whom resign will not be eligible for rehire for a period of six (6) months.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Discharge / Termination		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy

Employment with The Muscogee (Creek) Nation (MCN) is voluntary and subject to termination by the employee and MCN by “at will” anytime, with or without notice. Terminations can also occur when an employee’s inability to perform the essential functions of his or her job with or without a reasonable accommodation. This policy is to ensure that employee terminations are handled in a professional manner and with minimal disruption to the workplace.

1. Through progressive discipline each discharge shall be documented as to specific reasons for the action, including any history of disciplinary actions against the affected employee. There also shall be included a history of corrective action, if any, taken by the employee, and any other pertinent data.
  - a. Procedures for discharge include:
    - i. The supervisor shall complete a Personnel Action Request (PAR) in the Human Resource Information System (HRIS) and any additional forms for Information Technology (IT) and General Services Administration (GSA).
    - ii. The supervisor shall contact the following departments:
      1. IT - to shut down the employee’s computer and reroute incoming emails, change phone numbers, passwords and voicemails as necessary.
      2. GSA/Facilities – to change locks, and inventory if needed.
      3. Lighthouse – to be on alert, if needed.
    - iii. Conduct an exit interview with the employee.
2. Exit interview meeting -The supervisor or manager shall conduct an exit interview with the employee to discuss the reason for termination and to ensure that all tools and equipment are returned. If the employee refuses or is unavailable to sign the Exit Interview form, then it shall be noted on the form.
3. Return of tribal property – Employees must return all property including keys, credit cards, tools, uniforms, cellphones, laptops, and other equipment or will be deemed

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	<b>Discharge / Termination</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

ineligible for rehire and may be subject to legal proceedings by MCN. All equipment or items must be returned in good working condition or will be subject to deduction from the employee's final leave payout.

4. The employee shall then proceed to HR to finish the exit interview process.
5. HR, upon completion of the discharge procedure, shall send the PAR to payroll.
6. Forwarding address and final pay – Departing employees will be asked to confirm their forwarding address to ensure benefits and tax information are received in a timely manner. The final timesheet and leave shall be issued on the normal pay day via method of current pay and may be withheld until a final accounting takes place.
7. Individuals whose employment with The MCN is terminated for cause shall not be eligible for rehire consideration for a period of no less than one (1) year from date of separation.
8. Any person discharged/terminated or convicted of embezzlement and/or theft, from **any organization**, shall not be eligible for hire/rehire.
9. Any person whom has been discharged/terminated due to a conviction of a felony crime against MCN or any of its entities shall not be eligible for hire/rehire. (NCA 15-138)  
Felony Crimes against the Nation may include but are not limited to:

- a. Embezzlement
- b. Larceny
- c. Theft
- d. Burglary
- e. Fraud
- f. Robbery
- g. Arson
- h. Forgery
- i. Malicious damage to property
- j. Any crime involving dishonesty or breach of trust

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Lay-Off		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 1	

## Policy

Employment with The Muscogee (Creek) Nation (MCN) is voluntary and subject to termination by the employee and MCN by “at will” anytime, with or without notice. Lay-off is an involuntary loss of employment due to organizational restructuring, position elimination, operational changes or financial constraints. If The Muscogee (Creek) Nation (MCN) determines that it must reduce employment because of adverse economic or other conditions, then lay-offs will be conducted in a manner that is consistent with the procedures below.

1. All employees are subject to lay-off from employment.
2. Management shall attempt to notify all personnel affected by lay-off ten (10) days in advance; however, where such notification is not possible, management shall notify the affected personnel as quickly as possible. The procedure for lay-off shall be:
  - a. Upon notification that a lay-off will occur, Human Resources (HR) shall prepare a notification of lay-off letter for management to sign and to distribute to the affected personnel.
3. Layoffs that are expected to be temporary will generally be handled according to the provisions of this policy. Selections for lay-offs that are known to be permanent will be made according to this policy and then handled according to MCN termination of employment and leave pay policies.
4. Employees in lay-off status shall be eligible for the transfer process and shall receive the same consideration when applying for a transfer as current employees.
5. While in lay-off status an employee’s health insurance shall remain in effect for ninety (90) days. However, the employee must still pay the monthly premium for any dependent insurance coverage.
6. Employees who are laid off temporarily will be maintained on a recall list for ninety (90) days or until management determines the layoff is permanent, whichever occurs first.
7. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the HR department if they become unavailable for recall. Employees who do not keep a current home address on record with the HR department will lose their recall rights.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Reduction in Force		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 1	


## Policy

Employment with The Muscogee (Creek) Nation (MCN) is voluntary and subject to termination by the employee and MCN by “at will” anytime, with or without notice. Reduction in force shall be defined as an action taken when a person is displaced from his/her position due to inadequate funding, reclassification, and other causes which are of no fault of the employee.

1. All employees may be subject to a reduction in force.
2. An employee who is displaced as a result of reduction in force may be reassigned to a position at a lower salary grade. An employee who is displaced as a result of reduction in force also may be placed on lay-off status.
3. Management shall attempt to notify all personnel affected by a reduction in force at least ten (10) days in advance; however, where such notification is not possible, management shall notify the affected personnel as quickly as possible.
4. When reductions in force or lay-offs affect a large portion of the workforce, The Muscogee (Creek) Nation (MCN) will comply with the Worker Adjustment and Retraining Notification Act only if and to the extent that it is applicable to MCN and to the action being taken by the Nation.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Recall		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 1	

## Policy

Employment with The Muscogee (Creek) Nation (MCN) is voluntary and subject to termination by the employee and MCN by “at will” anytime, with or without notice. Recall is an employment action that notifies employees to return to work from lay-off status. Employees will be recalled according to the needs of The Muscogee (Creek) Nation (MCN), their classification and their ability to perform the job.

1. When a work unit is informed that positions in lay-off status shall be reactivated, that department shall notify Human Resources (HR).
2. All employees shall be eligible for recall to the last position held for ninety (90) days from the effective date of lay-off.
3. Upon notification by an affected department(s) that a position shall be reactivated, HR shall issue a notification of recall by certified mail, return receipt requested to the qualified employee of record who last held the position.
4. Employees notified for recall shall report for work no later than fourteen (14) calendar days after notification; failure to report is a forfeit of their right to the position.
5. Upon failure of a recalled employee to exercise his right, the position in question shall be treated as a vacant position and treated accordingly.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Disciplinary Action		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 6	

## Policy

The Muscogee (Creek) Nation (MCN) strives to serve its citizens in an efficient and timely manner. To achieve this goal it is necessary to establish standards of conduct which are understood by and communicated to all employees. Below are guidelines for conduct established for The MCN.


1. Each employee must be aware of the standards for productive governmental functioning to maintain an efficient workplace. This in turn enables the Muscogee (Creek) Nation to better serve its citizens.
2. Disciplinary action is sometimes necessary to ensure adherence to the high standard of conduct expected of MCN employees. The form of the disciplinary action may vary according to several factors including, but not limited to, the seriousness of the action, any prior disciplinary actions in an employee's history, and length of service. The purpose of disciplinary action is to instruct rather than punish.
3. The acts listed below are not meant to be inclusive but are given as guidelines for personal conduct. Taking part in the listed conduct or other actions detrimental to the functioning of The MCN shall be grounds for disciplinary action. Such action may include a verbal warning, written reprimand, probation, demotion, suspension, or discharge.
  - a. Unauthorized absence from the workstation or worksite.
  - b. Tardiness.
  - c. Violations of Leave policies.
  - d. Loafing, wasting time or sleeping on duty.
  - e. Use of disrespectful language toward any individual.
  - f. Violation of a safety rule or the performance of unsafe work practices.
  - g. Theft, embezzlement or unauthorized possession of, use of, loss of, or damage to tribal property or the property of others.
  - h. Conviction in a federal, state, or tribal court, on charges brought during the time of employment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Disciplinary Action		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 6	

- i. Use of a tribal owned or leased vehicle for other than official purposes.
- j. Damage to tribal government property or the property of others.
- k. Misappropriation of tribal or federal government funds or conversion of funds to personal use.
- l. Bullying, disorderly conduct, fighting, threatening, provoking, or attempting to inflict bodily injury to another or engaging in dangerous horse play.
- m. Engaging in disrespectful, negative, inappropriate, disruptive, unprofessional or negligent conduct toward any individual.
- n. Unlawful manufacture, distribution, sale, possession or use of any controlled substance or illegal drugs on or off duty; see Drug and Alcohol policy for clarification.
- o. Possession of firearms, weapons, explosives, or dangerous materials on MCN property unless authorized.
- p. Deliberate misrepresentation, falsification, misstatement, exaggeration, or concealment of material fact in connection with any investigation, record, report or document originating from employment or work with The MCN.
- q. Breach of confidentiality.
- r. Serious or repeated violations of traffic regulations while operating a tribal- owned vehicle or vehicle leased for official business.
- s. Soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment, food, or other item of monetary value from an individual or entity which has or is seeking business with the tribe and is seeking to unduly influence the employee in the performance of their duties.
- t. Acts of discrimination, harassment or retaliation.
- u. Failure or inability to perform duties of the position in which employed.
- v. Intentional neglect of job duties.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Disciplinary Action		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 6	

- w. Failure to obtain or maintain, within a designated time, licensure or certification credentials necessary for continuation in the job.
  - x. Violation of any administrative policy.
4. Termination of employment for felony crimes against the Nation may include but are not limited to:
- a. Embezzlement
  - b. Larceny
  - c. Theft
  - d. Burglary
  - e. Fraud
  - f. Robbery
  - g. Arson
  - h. Forgery
  - i. Malicious damage to property
  - j. Any crime involving dishonesty or breach of trust
5. Any employee engaging in conduct, action and/or behavior detrimental to self, other MCN employees, and/or general public, while on duty and/or on tribal property at any time, shall be subject to disciplinary action. Supervisors, Managers and Directors shall be responsible for all work ethics, all employee personal conduct, and shall encourage and promote professionalism at all times during work schedules and assignments and while on tribal property.

## Types of Disciplinary Action

1. A verbal warning is defined as an admonishment given to an employee when that employee commits or is about to commit an act that is contrary to the standards expected of MCN employees. It is usually given only for minor infractions. The issuance of a verbal warning is at the sole discretion of the supervisor.
2. Probation is defined as being subjected to especially close supervision for a specific time period. The commission of any act during the probationary period which is contrary to the standards expected of MCN employees, however minor, may lead to further disciplinary action. A probationary period shall last at least thirty (30) calendar days but

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Disciplinary Action		Originated	09/01/2009
			Revised	09/22/2022
			Page 4 of 6	

not more than ninety (90) calendar days.


3. Demotion is defined as being reduced in grade and may include the loss of pay and/or authority.
4. Suspension is defined as barring or denying an individual their status as an employee for a specific time period. Suspension may occur with or without pay. Suspension with pay is usually given only for investigatory purposes. Suspension without pay shall affect any benefits based on hours or pay periods worked. A suspension period may last from three (3) days to ninety (90) days.
5. Discharge is defined as an involuntary severing of employment status and the loss of all benefits and pay associated with that employment.

## Progressive Discipline

MCN progressive discipline policy is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. The MCN reserves the right to administer the corrective action it deems appropriate depending on the facts of each situation and the nature of the offense. The steps of the progressive discipline policy are outlined below.

1. The immediate supervisor shall meet with the employee to bring attention to the existing performance, conduct, or attendance issues. The supervisor shall discuss with the employee the nature of the problem or violation of MCN policies and procedures. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or to resolve the problem.
  - a. The supervisor shall prepare written documentation of the verbal counseling. At the end of the meeting, the employee shall sign the Disciplinary Action Form.
  - b. The supervisor shall inform the employee that by signing the form, the employee is not admitting guilt, but is indicating the employee has been officially notified of the action being taken.
  - c. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to Human Resources


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Disciplinary Action		Originated	09/01/2009
			Revised	09/22/2022
			Page 5 of 6	

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

2. In the event that the behaviors documented in the verbal counseling are not corrected, the supervisor shall issue a written warning. A written warning involves more formal documentation of the performance, conduct, or attendance issues and consequences.
  - a. The immediate supervisor and department manager shall meet with the employee and review any additional incidents or information about the performance, conduct, or attendance issues, as well as any prior relevant corrective action plans. Management shall outline the consequences for the employee of his/her continued failure to meet performance and/or conduct expectations on the Disciplinary Action Form.
  - b. The supervisor shall inform the employee that by signing the Disciplinary Action Form the employee is not admitting guilt, but is indicating the employee has been officially notified of the action being taken.
  - c. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to HR, within five (5) days of the date the document was administered, to be placed in the permanent employee file.
3. If performance does not improve, a final written warning shall be administered to the employee.
  - a. The immediate supervisor, department manager, and director/secretary shall meet with the employee and review any previous verbal counsel and written warnings. Management shall outline the consequences for the employee of his/her continued failure to meet performance and/or conduct expectations on the Disciplinary Action Form.
  - b. The supervisor shall inform the employee that by signing the employee is not admitting guilt, but is indicating the employee has been officially notified of the action being taken.
  - c. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to HR, within five (5)

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Disciplinary Action</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 6 of 6	

days of the date the document was administered, to be placed in the permanent employee file.


## PROCEDURES FOR DISCIPLINARY ACTION

When a problem persists, the supervisor shall consult with HR to determine the appropriate action. Management must obtain the concurrence of HR prior to any action resulting in probation, suspension, demotion, or discharge. Failure to consult with HR may result in disciplinary action.

1. A Disciplinary Action Form shall be completed by the supervisor. Special attention shall be given to specific reasons for issuing the disciplinary action, including the occurrence date of the act in question, the date when the Disciplinary Action Form is completed, and the type of disciplinary action being invoked against the affected employee.
2. The supervisor shall notify the affected employee and conduct an immediate conference, along with the department manager and director/secretary. The supervisor shall inform the employee of the specific reasons for the taking of the disciplinary action. The supervisor shall also explain the penalties carried by the type of disciplinary action being invoked.
3. At the end of the conference the employee shall sign the Disciplinary Action Form. The supervisor shall inform the employee that by signing the employee is not admitting guilt but is indicating the employee has been officially notified of the action being taken. If the employee refuses to sign or is unavailable, the supervisor shall so note on the form. The Disciplinary Action Form shall be signed by the immediate supervisor, department manager, and director/secretary.
4. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to HR, within five (5) days of the date the document was administered, to be placed in the permanent employee file.
5. If the disciplinary action invoked involves modification, suspension or loss of benefits or pay, human resources shall notify the appropriate work unit(s).



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Grievance	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	

## Policy

It is the policy of the Muscogee (Creek) Nation (MCN) to ensure that all employees have access to a process whereby their grievances can be heard in a safe and fair atmosphere. The MCN recognizes the importance of open communication in resolving disputes. Therefore, a procedure is provided in which complaints shall receive full and fair consideration. When an employee feels they have been treated unfairly, a policy has been violated or that an unsatisfactory condition exists, they should bring it to the attention of The MCN through the grievance procedure provided.


1. No matter shall be considered a grievance until it is filed at the second step of the grievance Procedure. A grievance must be filed within thirty (30) calendar days after the occurrence of the event or after the employee should have become aware of the occurrence of the event.
2. All time limits set forth in the grievance procedure shall be strictly observed, but may be extended by the mutual consent of both parties. If the employee fails to pursue the grievance within the established time limits, the grievance shall be considered resolved by the last answer given from management. If management fails to respond within the established time limits, the employee may proceed to the next step of the grievance procedure.
3. A special procedure has been established for complaints of sexual harassment.

## Grievance Procedure

1. The employee shall discuss the grievance with their immediate supervisor. Informal discussion with the immediate supervisor is encouraged as the first step; however, if the employee does not believe a discussion with the supervisor is appropriate, the employee may proceed directly to *Step Two*.
2. If the grievance is not resolved in *Step One* the employee shall submit the grievance on a Grievance Form to the major department head. The major department head shall investigate the complaint and deliver a response on the Grievance Form to the employee within three (3) calendar days after the meeting with the employee unless a mutual agreement has been made to extend the response period.
3. If the grievance is not resolved in *Step Two*, the employee may submit the grievance on a Grievance Form to Human Resources (HR) within four (4) calendar days after receipt of



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Grievance		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	


the answer from the major department head. The HR manager or his/her designee shall complete a review of the grievance. The review may include meeting with the employee, representatives of department management, or other involved parties.

4. After the review, HR shall issue in writing his/her finding of fact and a recommended resolution. HR shall meet with the employee to review or send a copy to the employee using certified mail with a return receipt requested.
5. If the grievance is not resolved in *Step Four*, the employee may submit the grievance in writing to the Grievance Appeals Committee through the Office of HR within four (4) calendar days after the recommended resolution is received or refused. The Grievance Appeals Committee shall conduct a hearing concerning the grievance within five (5) calendar days of receipt of the grievance. The Grievance Appeals Committee shall issue a written decision within three (3) calendar days after completion of the hearing. HR shall send a copy of the committee's decision to the employee using certified mail, return receipt requested. The decision of the Grievance Appeals Committee is final and is not appealable.
  - a. The Grievance Appeals Committee hearing shall include the following:
    - i. Written materials submitted by the HR manager and the grievant.
    - ii. Testimony by the grievant and any witnesses willing to appear.
    - iii. Testimony by a representative of MCN and any witnesses willing to appear.
    - iv. Questions from the Grievance Appeals Committee.
6. The grievance process is for active employees of MCN. MCN is an at-will employer; therefore employees **cannot** file a grievance once they have been discharged or have resigned.

## Exception to Grievance Procedures

1. Whenever the grievance concerns a suspension without pay, the grievant may proceed directly to *Step Three* of the grievance procedure.
2. Grievances involving employees of any independent agency/commission must be filed with that agency/commission.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Grievance		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 3	


3. Any person employed under Workforce Investment Grants who is still dissatisfied with final decision after completing all outlined grievance procedures can write and request additional review from:

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

## Grievance Appeals Committee

1. The Grievance Appeals Committee is a three-member board consisting of:
  - a. A cabinet secretary, who shall be designated the chairperson of the committee;
  - b. A manager within a separate department or agency from that of the chairperson; and,
  - c. A non-supervisory employee from a department or agency separate from that of the other members.
2. Members of the Grievance Appeals Committee shall be appointed by the Principal Chief.
3. A new Grievance Appeals Committee shall be seated for each different grievance.
  - a. If one grievant or class of grievant has presented multiple grievances the same committee may hear all the grievances.
  - b. A cabinet secretary may sit on up to three (3) consecutive Grievance Appeals Committees.
4. A cabinet secretary or manager shall not sit on a Grievance Appeals Committee in which the grievant is under their direct or indirect supervision. This stipulation shall not be excepted unless onerous circumstances are present.
5. A cabinet secretary or manager shall not sit on a Grievance Appeals Committee in which they are the subject of the grievance.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Employee Protection Act</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

The Muscogee (Creek) Nation (MCN) Employee Protection Act, NCA 95-07, is an ordinance of MCN prohibiting retaliation against employees for certain protected actions, and creates The MCN Employee Protection Commission. It states that it shall be unlawful, and redressable as hereafter provided in this act, for any employee to take any adverse employment action with regard to another employee, the direct cause of which is an illegal motive on the part of the actor.


### Adverse Employment Action

1. Adverse employment action is interpreted to include the following:
  - a. Discharge or termination, whether actual or constructive.
  - b. Suspension, whether with or without pay.
  - c. Transfer, demotion.
  - d. Denial or reduction in wages or benefits.
  - e. Interference with the exercise of any right provided by this act or any other statute of MCN.
  - f. Any act which otherwise adversely impacts an employee's compensation, terms, conditions or privileges of employment.
  - g. Threats of such action, and offers of bribes to do or not to do particular actions.
  - h. Omissions, where the natural and probable result of such omission is an adverse impact upon the employee's compensation, terms, conditions, or privileges of employment.

### Illegal motive

1. Illegal motive shall be interpreted to include the following:
  - a. An intention to retaliate or take reprisal against an employee for providing information or inducing another to provide information to the Office of the Attorney General, Principal Chief, Second Chief, the National Council and National Council committees of MCN regarding any possible illegal, unethical, dishonest or improper conduct by any other employee.
  - b. An intention to retaliate or take reprisal against an employee for providing information or inducing another to provide information to the Attorney General,

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Employee Protection Act		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

Principal Chief, Second Chief, the National Council and National Council committees of MCN regarding any adverse action which have been taken in reprisal or retaliation for any action protected under this law.

- c. An intention to interfere with an employee's exercise of any rights granted by this or by any other statute of MCN, whether present or future.

All employees, upon date of hire, shall be given a copy of this act for their own review.

1. *Who may file* – Any employee, or any authorized representative of the employee, who believes that he/she has been the subject of any action prohibited by sec 104 of this act may file an application for review of the complained of act or omission.
  - a. For purposes of these regulations, an application for review means the presentation of a written report of discrimination stating the reasons why the person believes he/she has been discriminated against and the facts surrounding the alleged discrimination.
2. *Where to file* – The employee or representative may file the application for review at the HR office.
3. *Time for filing* – The employee or representative shall file an application for review within thirty (30) days after the alleged discrimination occurs.
  - a. An application is considered filed:
    - i. On the date delivered in person to the HR office, or
    - ii. On the date mailed to the HR office.
4. *Running of the time for filing* – The time for filing begins when the employee knows or has reason to know of the alleged discriminatory activity.
5. *More information* – Please contact Human Resources at 918-732-7829

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL			
	General Employment Policies	Section 503	
	Sexual Harassment	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 10	

## Sexual Harassment Policy

The Muscogee (Creek) Nation (MCN) is committed to providing a fair and respectful workplace that is free from all forms sexual harassment. Sexual harassment in the workplace is against the law and MCN policies.

The objective of MCN in implementing and enforcing this policy is to define sexual harassment, prohibit it in all forms, provide procedures for filing complaints about conduct that violates this policy, and administer appropriate disciplinary measures in the case of violations.

This policy applies to ALL employees of MCN and those working for MCN at all locations. All employees, including executive management, supervisors and managers will be subject to discipline, up to and including discharge, for committing any act of sexual harassment.


All branches of the Tribal Government and all independent agencies and Tribal Businesses shall have 90 days to implement a Sexual Harassment Policy and/or default to the Nations Sexual Harassment policy. Upon completion, all Sexual Harassment Policies must be submitted to the Office of the Principal Chief, Human Resources, Office of the Attorney General and the Muscogee (Creek) Nation National Council.

## Sexual harassment

Sexual harassment is any unwelcomed conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or creates an intimidating, hostile, abusive or an offensive environment.

1. Sexual harassment can occur regardless of the relationship, position, respective sex, gender identity or expression and of any sexual orientation.
2. It can be in the form of an unwelcome sexual advance, a request for sexual favor and other verbal or physical conduct of a sexual nature, such as but not limited to the following:
  - a. Submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment.
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) QUID

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL			
	General Employment Policies	Section 503	
	Sexual Harassment	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 10	

PRO QUO: *Meaning the exchange of sex for something in return*) and b) HOSTILE WORK ENVIRONMENT: *meaning conduct so offensive or pervasive as to cause intimidation, etc.* Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing or one incident that is so extremely offensive could constitute sexual harassment.


### Examples of prohibited conduct

While it is not possible to list all circumstances that may constitute sexual harassment, it encompasses a wide range of conduct; some examples of specifically prohibited conduct include but are not limited to the following:

1. Physical contact of a sexual nature perpetrated without consent. (e.g., without clear words or actions that are knowingly, freely and actively given indicating permission to engage in mutually agreed upon sexual activity).
2. Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, poking another employee's body or repeatedly making sexually suggestive gestures.
3. Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, pranks, innuendos, repeated sexual teasing or comments about a person's sexuality or sexual experience regardless of the means of communications (verbal, written, email, text message, direct message, messenger, etc).
4. Persistent and unwanted request for dates; unwelcome and inappropriate letters, notes, telephone calls, email, text, graphics, and other communications or gifts.
5. Sexual displays, publications, posting of offensive pictures, cartoons or other material in the workplace or online by employees.
6. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
7. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Sexual Harassment		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 10	


8. Retaliation from sexual harassment complaints as protected by The MCN employee protection act.
9. Quid Pro Quo – using of one’s position of power/authority in the form of quid pro quo.

## Consensual Relationships in Regard to Sexual Harassment

MCN discourages romantic or sexual relationships between an employee of authority and his/her staff because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. When one party has a professional relationship toward the other and stands in a position of authority over the other, even an apparently consensual sexual relationship may lead to sexual harassment, favoritism or bias in employment decisions and/or other breaches of professional obligations. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential for a healthy work environment.

1. Employees are discouraged from having a dating or sexual relationship with an employee whom they supervise, manage, oversee, evaluate or in any other way directly affect the terms and conditions of the other employee’s employment.
2. Any employee who violates this policy must immediately disclose the existence of the dating or sexual relationship to his/her supervisor.
3. Once the relationship is made known to their superior, the superior must report the relationship to HR.
4. HR will then determine whether one or both parties need to be moved to another job or department available.
  - a. If it is determined that one party must be moved, the parties may decide which will be the one to apply for a new position.
  - b. If the parties cannot amicably come to a decision, or the party is not chosen for the position(s) to which he or she applied, the parties will be given the option of terminating their relationship or resign.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Sexual Harassment		Originated	09/01/2009
			Revised	09/22/2022
			Page 4 of 10	

5. Individuals who violate this consensual relationship policy are subject to disciplinary action.

## Responsibilities and Responding to Conduct in Violation of Policy

### 1. Employees


- a. If an employee believes that he or she has been subject to sexual harassment or any unwelcome sexual attention as defined in this policy. Employees may address the situation directly and immediately to the harasser or MCN management.
- b. If the inappropriate conduct does not cease, or if the employee is unable or uncomfortable with addressing the alleged harasser directly, the employee should report the incident to his or her own supervisor or manager, HR or to the Employee Advocate.
- c. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.
- d. Employees are encouraged to report the unwelcomed conduct because it is important to report any and all concerns of sexual harassment or inappropriate conduct to a supervisor or manager, HR as soon as possible.
- e. HR must be made aware of all situations so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

### 2. Executive Management, Managers and Supervisors

- a. Executive management, managers, supervisors, or other responsible employees who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must deal expeditiously and fairly with the complaint or allegations within their departments whether or not there has been a written or formal complaint. They must:
  - i. Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Sexual Harassment		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>5</b> of <b>10</b>	


- ii. Ensure that harassment, sexual harassment, sexually oriented conduct or discrimination is immediately reported to HR so that a prompt investigation can occur.
- iii. Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

- b. Executive management, managers or supervisors who knowingly allow, tolerate or fail to report incidents of harassment, sexual harassment, discrimination, retaliation, or misconduct to HR are in violation of this policy and subject to discipline.

## 3. Human Resources

- a. If HR receives a complaint or allegation of sexual harassment or has reason to believe any of the above is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed.
- b. If the allegation is determined to be credible, HR will take immediate and effective measures to end the unwelcomed behavior.
- c. HR is committed to take action if it learns of possible harassment, sexual harassment or discrimination even if the individual does not wish to file a formal complaint.
- d. All investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner through the Labor Relations Coordinator and Director.
- e. The Director of HR and Labor Relations Coordinator are responsible for:
  - i. Ensuring that both the individual filing the complaint and the accused individual are aware of the seriousness of the complaint.
  - ii. Explaining MCN's Sexual Harassment Policy and investigation procedures to the complainant and the respondent.
  - iii. Exploring informal means of resolving complaints.
  - iv. Notifying the police if criminal activities are alleged.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Sexual Harassment		Originated	09/01/2009
			Revised	09/22/2022
			Page 6 of 10	


- v. Arranging for an investigation of the alleged harassment and the preparation of a written report.
- vi. Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- vii. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.
- viii. During an appeals process, contact an outside agency to investigate the complaint and report back findings to HR for resolution.

## Complaint Resolution Procedures

Individuals should report complaints of conduct believed to violate MCN's Sexual Harassment Policy according to the policy's complaint resolution procedures within **Thirty (30) days** of the incident. Verbal or written complaints should be submitted as soon as possible after an incident has occurred. HR or the employee advocate may assist the complainant in completing the statement.

1. To report a complaint or incident:
  - a. Report the complaint to your own supervisor, manager, secretary or ANY supervisor, manager, secretary, or to the HR Labor Relations Coordinator, or Director of HR. It is helpful, but not required, to provide a written record of the incident. ALL allegations will be documented and sent to HR within three (3) days of knowledge of the allegation.
  - b. If an employee is not comfortable with reporting to management he/she may speak with the Employee Advocate. The employee advocate is able to assist in many areas of support and writing a formal complaint. The Employee Advocate is not obligated to bring forth a complaint.
  - c. To initiate a formal investigation into an alleged violation of this policy, employees are asked to provide a written statement about the alleged misconduct to HR. To ensure the prompt and thorough investigation of sexual harassment the complainant should provide as much of the following information as is possible.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Sexual Harassment		Originated	09/01/2009
			Revised	09/22/2022
			Page 7 of 10	

## 2. Details of complaint /allegation

- The name, address, telephone number and e-mail address of the complainant.
- The name of the respondent, department and position of the person or persons allegedly causing the harassment.
- The nature of the complaint.
- A description of the incident(s), including the date(s), location(s) and the presence of any witness(es.)
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have seen or been subject to the same or similar harassment.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the harassment complaint.


## Discipline

Employees who violate this policy are subject to appropriate discipline and/or termination. In the event a person is found to have engaged in sexual harassment ***and is terminated***, he/she will not be eligible for rehire in any entity of the Muscogee (Creek) Nation; including committee's or boards for five years.

If an investigation results in a finding that this policy has been violated the following may be implemented:

- The mandatory minimum discipline is a written disciplinary action and a written apology to the victim.
- Administrative leave may be implemented until an investigation has been completed.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies	Section 503	
	<b>Sexual Harassment</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 8 of 10	

3. Depending on the severity or level of sexual harassment, the Human Resources department may also require the person to have sexual harassment training and/or counseling at his/her own expense and show proof of said training and/or counseling before becoming eligible for rehire.
4. Discipline and corrective action shall be carried out on the manager level.
  - a. If the discipline is not accepted on the manager level it will carry forward to the Secretary level, up to HR & Tribal Administrator.
5. Persons who violate this policy may also be subject to civil damages or criminal penalties.

## Confidentiality

1. All inquiries, complaints and investigations are treated confidentially.
  - a. Information is revealed strictly on a need-to-know basis.
  - b. Information contained in a formal complaint is kept as confidential as possible, however, the identity of the complainant is usually revealed to the respondent and witnesses.
2. HR will take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation by either transferring the alleged harasser out of the department or working unit, adjusting work schedules so interaction between the parties is reduced or deleted, and/or assuring if there is a manager/employee situation, that the manager's supervisory duties be reviewed for possible ways to reduce retaliation and all personnel actions initiated by the manager of the employee alleging sexual harassment be delayed until after a thorough investigation is concluded.

## False Accusations

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL			
	General Employment Policies	Section 503	
	Sexual Harassment	Originated	09/01/2009
		Revised	09/22/2022
		Page 9 of 10	

To make deliberate false accusations of discrimination, harassment or sexual harassment violates this policy. In such instances, the complainant or witness will be subject to disciplinary action under this policy. However, a “No-violation” finding does not constitute proof of a false and or malicious accusation.

### Freedom from Retaliation

Any employee of MCN has the right to raise concerns about or file a good faith complaint of sexual harassment without the fear of retaliation. It is unlawful and it is in violation of The MCN policies and procedures to retaliate against an individual for filing a complaint of sexual harassment for cooperating in an investigation.


Any elected official, board member, cabinet member, manager or employee of the Muscogee (Creek) Nation found guilty of retaliation shall be subject to disciplinary action up to and including removal or dismissal.

1. Retaliation against anyone who reports an incident, brings forward a complaint or who in any way participated in an inquiry or investigation of sexual harassment, is strictly prohibited.
2. Retaliation is also prohibited against anyone who opposes, in a reasonable manner, an act or policy believed to constitute a violation of the sexual harassment policy.
3. Retaliation includes: hostility, intimidation, threats, disciplinary actions, firing, demotion, transfer, reduction in pay, exclusion or in any way discriminating against an individual because of the individual’s complaint or participation in the investigative process.
4. Any person who retaliates against an individual reporting sexual harassment, filing a complaint, or participating in an investigation is subject to disciplinary action up to and including termination.
5. Employees are not shielded from the consequences of poor job performance, neglect or misconduct if they raise a complaint or allegation.

### Other Available Procedures


The procedures available under this policy does not preempt or supersede any legal procedures or

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Sexual Harassment		Originated	09/01/2009
			Revised	09/22/2022
			Page 10 of 10	

remedies otherwise available to a victim of harassment, sexual harassment or discrimination under local, state or federal law.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Discrimination, Harassment &amp; Retaliation Policy</b>	Originated	01/09/2019
		Revised	09/22/2022
		Page 1 of 4	

## Policy

The Muscogee (Creek) Nation (MCN) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, MCN expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment.

MCN has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. MCN will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the Manager/Director of Human Resources (HR) or the Labor Relations Coordinator within HR.

These policies should not, and may not, be used as a basis for excluding or separating individuals of any protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of MCN prohibit disparate treatment on the basis of any protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.


## Equal employment opportunity

1. It is the policy of MCN to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. MCN prohibits any such discrimination or harassment.

## Retaliation

1. MCN encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of MCN to promptly and thoroughly investigate such reports. MCN



HUMAN RESOURCES POLICY AND PROCEDURE MANUAL			
	General Employment Policies	Section 503	
	<b>Discrimination, Harassment &amp; Retaliation Policy</b>	Originated	01/09/2019
		Revised	09/22/2022
		Page 2 of 4	

prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

## Harassment


1. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:
  - a. Has the purpose or effect of creating an intimidating, hostile or offensive work environment.
  - b. Has the purpose or effect of unreasonably interfering with an individual's work performance.
  - c. Adversely affects an individual's employment opportunities.
2. Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

## Individuals and Conduct Covered

1. These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to MCN (e.g., an outside vendor, consultant or customer).
2. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Discrimination, Harassment &amp; Retaliation Policy</b>		Originated	01/09/2019
			Revised	09/22/2022
			Page 3 of 4	


## Reporting an Incident of Harassment, Discrimination or Retaliation

1. MCN encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, manager, cabinet secretary, or HR. See the complaint procedure described below.
2. MCN encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. MCN recognizes, however, that an individual may prefer to pursue the matter through complaint procedures. Example: Employee #1 report the complaint to their own manager. The manager and employee #1 in turn sends an email to the employee #2, who has committed the action, and to employee #2's manager, notifying employee #2 that employee #1 would like for the unwanted and un-welcomed action to cease immediately.

## Complaint Procedure


1. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, manager, cabinet secretary or HR.
2. MCN encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. While no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.
3. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Discrimination, Harassment &amp; Retaliation Policy</b>		Originated	01/09/2019
			Revised	09/22/2022
			Page 4 of 4	

4. MCN will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
5. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
6. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, training, referral to counseling or disciplinary action such as a warning, reprimand, reassignment, temporary suspension without pay, or termination, as MCN believes appropriate under the circumstances.
7. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Safety and Work Environment	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

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

## Responsibility

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

## Education


Risk Management shall develop, arrange, and conduct educational seminars on safety regulations and practices.

1. Courses shall be held at least annually for management personnel in order to update their knowledge of the safety regulations of The MCN.
2. Courses shall be held periodically for employees in order to promote greater awareness of safe work practices. It is the desire of The MCN that each employee attends at least one seminar per year.
3. Attendance of safety seminars shall be mandatory conditions of employment. Failure to participate in required safety seminars shall be grounds for disciplinary action.

## Development

1. Risk Management shall issue to Human Resources (HR) periodic regulations setting forth minimum standards which must be followed in all work areas of MCN.
2. Regulations issued shall be binding on all personnel. Any appeal of a safety regulation must be presented in writing with a complete explanation of the reason(s) for appeal to the HR Manager within three (3) working days of the issuance of the


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Safety and Work Environment	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

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

3. Failure to comply with a safety regulation shall be grounds for discharge, suspension, probation, or demotion.
4. Upon receipt of a written request HR shall issue a written interpretation of any safety regulation issued within ten (10) days.
5. HR shall be responsible for maintaining a master file of safety regulations and interpretations.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Inclement Weather Protocol	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	


## Policy

The Purpose of this policy is to establish guidelines to employees about the protocol in which an inclement weather closing is determined. If a facility of The Muscogee (Creek) Nation (MCN) is closed or a dismissal is ordered by the Office of Administration–Tribal Administrator due to inclement weather, all employees in that facility shall be granted leave of absence with pay. Inclement weather leave shall not be available to employees who are unable to get to work due to inclement weather in their area if tribal facilities are open.

All health facilities are to remain open until ordered closed by the Cabinet Secretary of Health.

1. MCN Emergency Management will gather all necessary information concerning road conditions, weather conditions, weather forecast, etc. That the information is given to the Tribal Administrator.
2. The Tribal Administrator will recommend to the Principal Chief a decision to close, delay start, leave early or any other alternatives to keep employees and citizens safe.
3. Closings and delayed starts will be broadcasted by several means upon direction of the Tribal Administrator.
  - a. MCN Emergency Management will send a message through the Mass notification system to notify employees.
4. Closing early information will be sent via email from MCN Public Relations upon the direction of the Tribal Administrator.
5. The Tribal Administrator will contact MCN Public Relations, who will then disseminate information via email and social media to notify employees and citizens.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Visitors in the Workplace	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

It is the policy of The Muscogee (Creek) Nation (MCN) to provide a workplace for all employees that is professional and free from distraction. In order to assure the safety and security of MCN employees, its visitors, its property, and to insure confidentiality, only authorized personnel have access to company facilities.

## Safety and Confidentiality

For safety and confidentiality concerns, all visitors including relatives of employees, who do not have official business with the department, may be restricted from prolonged visits in the workplace.


1. Child or adult care - Employees shall not be permitted to provide child or adult care at their workstation. This detracts from workplace production of not only the employee, but also co-workers.
2. Visitors shall not be allowed to operate any equipment or vehicles.
  - Exception:  
An exception is the use of telephones may be allowed for local telephone calls lasting no more than three (3) minutes.
3. Employees should limit visitors at employee workstations to fifteen (15) minutes.
4. Supervisors and manager's are responsible for enforcing this policy.
5. Violation of this policy is grounds for disciplinary action.

## Dangerous or Restricted areas

Employees may not bring or accept visitors in areas where there are dangerous machines, chemicals, confidential records or sensitive equipment.

1. Representatives of regulatory bodies or management approved visitors may be exempted. In these cases, employees should provide visitors with the necessary badges and protective equipment to enter the premises when needed.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Visitors in the Workplace	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

## Unauthorized Visitors

1. Employees who spot unauthorized visitors may ask them to leave.
2. Employees who spot unauthorized visitors must report them to their managers and Lighthorse if appropriate.
3. Visitors, who misbehave, cause disruption or steal property, will be asked to leave and prosecuted if appropriate.

## Off Duty


Employees and visitors are not permitted access to the interior of The MCN facilities and other working areas during their off-duty hours unless given authorized permission.

## Incident or Accident

An employee shall immediately report to his/her supervisor any incident/accident involving a visitor or themselves in which he/she has been involved, observed, or alerted to while on MCN premises.

1. The supervisor shall complete an Incident/Accident Report.
  - a. This report should describe the circumstances of the accident and the condition of the person involved.
  - b. This report must be received by Risk Management within twenty-four (24) hours of the incident.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Smoking and Tobacco Policy	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

A tobacco-free environment helps create a safe and healthy workplace. Because of the hazards caused by exposure to environmental tobacco smoke, second hand smoke, as well as life threatening diseases linked to the use of all forms of tobacco, this policy was created. This policy covers the smoking of any tobacco product and the use of oral tobacco products as it applies to employees and non-employees of The Muscogee (Creek) Nation (MCN).


1. The use of tobacco or vaping (including smokeless tobacco) is prohibited in all MCN buildings, facilities, individual offices and tribal vehicles.
2. The use of tobacco or vaping is allowed only in designated areas.
3. MCN prohibits the use of any tobacco, including vaping within fifty (50) feet of any entry of any building or facility operated by MCN.
4. General Services Administration (GSA) will designate a limited number of tobacco use areas on campus and maintain these locations on the campus site plan. GSA shall also post these areas with signage as designated tobacco use areas.
5. Courtesy and consideration will be exercised when informing others unaware of and/or in disregard of this policy.
6. Organizers and attendees at special events on campus using MCN facilities are required to abide by the policy. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.
7. This policy is directed for MCN buildings and does not impact policies already in place by The College of the Muscogee Nation or any other agencies.

## Tobacco Reporting Procedure

1. A complaint against an offender, who fails to respond to a request by another, as noted in this policy, may be referred to a cabinet member, a manager, or other unit leader, or to the MCN Lighthorse by completing a written documented complaint.
2. Appropriate corrective action shall be taken for an offender.




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Smoking and Tobacco Policy		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

3. A warning notice shall be placed in an employee's file and a warning notice should be filed with MCN Lighthouse for offenders who are off-campus visitors.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Incidents and Accidents		Originated	09/01/2009
			Revised	02/22/2022
			Page 1 of 3	

## Policy

To reduce the risk of workplace injuries and to ensure employees receive the medical attention that they need. The Muscogee (Creek) Nation (MCN) requires immediate reporting of all incidents and accidents involving property damage or personal injury. This policy provides procedures for incident and accident reporting, including corrective measures to prevent recurrences. Failure to report an injury or file an Incident/Accident report will be grounds for a disciplinary action, up to and including termination.

All employees of MCN share the responsibility for maintaining safety by practicing good safety habits and by avoiding carelessness. Employees must accept and understand their responsibility for reducing the risk of injury or ill-health, and to cooperate and comply with any instruction given by management which is provided for reasons of health and safety. Any real or potential safety hazard or environmental health hazard should be reported immediately to Risk Management.


**\*\*\*\*\* Incident/Accident report found on the CUKO Website \*\*\*\*\***

## What should be reported?

**Injury** - Any employee who suffers an on-the-job injury or is involved in an incident or accident must immediately report the injury, regardless of degree, to their supervisor or manager. Accidents that involve minor injuries like small cuts, non-extensive bruises and would not normally require any action on behalf of MCN needs to be verbally reported to their immediate supervisor. Accidents that involve more severe injuries or require investigation or action from MCN must be reported via the Incident/Accident Report. Employees are obligated to report to their manager/supervisor any of the following:

1. Damage to head, skull and face.
2. Damage to any of the senses. (Loss of hearing, sight, etc.)
3. Incapacitation or dislocation of limbs that hinder functionality or movement. (paralysis, amputation)
4. Damage to skin. (extensive burns, bruises, cuts)
5. Blows or injuries to the spine, back or ribs.
6. Loss of consciousness or harm to the nervous system.
7. Poisoning.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Incidents and Accidents		Originated	09/01/2009
			Revised	02/22/2022
			Page 2 of 3	

8. Contamination from hazardous substances or transmission of diseases.
9. Any other injury that requires hospitalization or medical care.
10. Fatalities.


**Incidents or occurrences** that may not involve injuries or victims but could be potentially dangerous include but are not limited to:

1. Explosions.
2. Slippery surfaces.
3. Water or gas leaks.
4. Inadequate insulation of circuits.
5. Collapse of walls or ceilings.
6. Breaking of windows, glass or frames.

## Personal Injury

1. Any employee who suffers an on-the-job injury or is involved in an incident or accident must immediately report the injury, regardless of degree, to their supervisor or manager. **DO NOT WAIT!**
2. If there is a situation where an employee does not become aware of their injury right away, the employee must report the injury as soon as reasonably possible upon becoming aware of it, and no later than the end of business day.
3. It is the Manager/Supervisor's responsibility to submit an Incident/Accident Report within 24 hours of the incident or accident.
4. MCN may direct medical treatment as allowed by worker's compensation. Any request for medical treatment should be made to Human Resources (HR) Benefits office as soon as possible.
5. Medical care without authorization may be at the injured party's own expense.
6. MCN HR will be receiving the Incident/Accident Report pertaining to MCN personnel.
7. The Incident/Accident Report will also be sent to Risk Management for follow-up investigation if necessary.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Incidents and Accidents</b>		Originated	09/01/2009
			Revised	02/22/2022
			Page <b>3</b> of <b>3</b>	

- i. Employees are expected to cooperate with accident and injury investigations.
- ii. If an employee refuses or otherwise fails to provide accurate information relating to MCN's process for identifying workplace hazards or investigating accidents or injuries, the employee will be subject to disciplinary action.

## Non-Employee Injury

1. For any accident or Injury involving a non-employee that occurs on tribal property, an Incident/Accident Report must be submitted within twenty four (24) hours of the incident.
2. The department where the incident/accident occurred or that was notified will be responsible for submitting the Incident/Accident Report.
3. Incident/Accident Reports can be found on the CUKO website under "e-forms".


**Manager /Supervisor responsibility** – Managements responsibility is to ensure that suitable and sufficient arrangements are in place to implement this policy and to report any failings or barriers that may affect compliance of this policy.

1. Identify key health and safety risk associated with their departments.
2. Will report and monitor incidents and accidents within their departments and revise risk assessments accordingly or with the Risk Management Department.
3. It is the Manager/Supervisor's responsibility to submit an Incident/Accident Report. Incident/Accident Report can be found on the CUKO website under "e-forms".
4. The Incident/Accident Report must be completed within Twenty Four (24) hours of injury, incident or accident.

## Disciplinary Action

MCN places great importance in this policy. All employees are obligated to comply and have a responsibility to their fellow co-workers. Any employee that is discovered to have been aware of a serious incident or accident and failed to report it will face appropriate disciplinary action.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Personal Property		Originated	09/01/2009
			Revised	02/22/2022
			Page 1 of 1	

## Policy

The Muscogee (Creek) Nation (MCN) will allow its employees to bring minimal amounts of personal property to work. However MCN does not assume responsibility for the loss or theft of personal belongings and property. Personal belongings brought onto The MCN premises are the employee's responsibility and are at the employee's sole risk. Employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

1. Employees are expected to exercise reasonable care to safeguard personal items. Items should never be left unattended or in plain view and should be secured at all times.
2. MCN is not responsible, nor will it reimburse the employee, for lost, damaged, or stolen personal property.
3. If employees find their personal belongings or property missing or damaged, they should report it to their supervisor or manager and Lighthorse immediately.
4. If any items or personal property are found, the item should be return to the owner, reported to a supervisor or to the Human Resources front desk.
5. Employees may call Human Resources to see if any items have been turned in.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Drug and Alcohol		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 10	

## Policy

The Muscogee (Creek) Nation (MCN) is a drug and alcohol free workplace. In compliance with the Drug Free Workplace Act NCA 93-107 and MCN Drug Testing Policy Act NCA 93-42, MCN has a longstanding commitment to provide a safe, healthy, and productive work environment for its employees and citizens. Illegal drugs and alcohol, and abuse of legal drugs, can grossly diminish the productivity and reliability of employees and being under the influence is inconsistent with the behavior expected of an MCN employee. It violates the public trust placed in tribal employees to accomplish the goals set forth by the Nation. This policy outlines the policies and procedures designed to correct instances of identified alcohol and drug use and abuse in the workplace. This policy applies to all employees and all applicants for employment of MCN. The Human Resources (HR) Department is responsible for policy administration.


***\*\* All Employees are subject to random alcohol and/or drug testing. \*\****

## Work Standards

MCN requires all employees to report to work fit to perform their job duties and requires a drug and alcohol free workplace. As a condition of employment all employees are required to consent to drug and alcohol testing and to abide by this policy.

1. Employees are prohibited from the illegal use, possession, manufacture, dispensing, or distribution, of alcohol, drugs or controlled substances in the workplace, on its premises, or as part of any MCN sponsored activities.
2. MCN will not allow employees to perform their duties or safety sensitive functions while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties.
3. Any illegal drugs, drug paraphernalia or alcohol will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.
4. Peyote is an exception from the prohibition against drugs when used by Native American Church members of one-quarter (1/4) blood or more off the job for ceremonial purposes where peyote is a sacrament or aid to worship.
5. It is the responsibility of all employees to report to their supervisor or manager any suspected violation of this policy.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Drug and Alcohol</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 10	

6. It is required as a condition of employment that an employee must notify their supervisor in writing of any criminal drug charges or any alcohol related offenses on or off the job, no later than five (5) days after such an occurrence.

Examples may include but are not limited to:

DUI, DWI, public intoxication, drug possession, drug paraphernalia, manufacturing ect.

## Special Provisions for Work Standards


1. MCN at all times reserves the right to determine whether an employee should be allowed to continue working during his/her use of legal drugs due to possible safety and/or performance problems that could arise from certain drug use.
2. Employees testing positive for legal drugs may be required to submit to a medical evaluation to determine any potential impact the legal drug(s) has on the employees work performance and to determine whether the employee is able to continue performance of job duties without the use of the legal drug(s).
3. Unlawful involvement with alcohol, illegal drugs, narcotics or controlled substances, while on or off the job is not acceptable and is considered a violation of this policy and must be reported to the employee's manager within five (5) days of the occurrence.
  - a. A violation is grounds for disciplinary action up to and including discharge.
  - b. Failure to comply will result in an automatic discharge.
  - c. Due to the nature of the allegation or crime, suspension without pay may be implemented.

## Prescribed Medical Treatment

- A. The use of controlled medication or over-the-counter drugs as part of a prescribed medical treatment program is naturally not grounds for corrective action, but it may be important for supervision to know such is occurring in order to determine job assignments. Any employee undergoing prescribed medical treatment with a controlled medication shall immediately report this treatment to his or her supervisor.
- B. The use of medical marijuana by an employee who has been issued a medical marijuana license by the Oklahoma State Department of Health shall not be grounds for disciplinary action, with the exception of employees whose jobs are safety sensitive or primary job function is driving. However, an employee shall not use, possess or be under the influence of medical marijuana during work hours. The Muscogee (Creek) Nation reserves the right to prohibit the use of medical marijuana in the work place if required by applicable law, regulation, funding source, licensure or required credential.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Drug and Alcohol		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 10	

## Drug and Alcohol Testing

### 1. Pre-Employment

- a. All safety sensitive applicants must pass a drug test before beginning work.
- b. Refusal to submit to testing will result in a disqualification of further employment consideration. They will not be allowed to reapply or retest in the future.
- c. Any job candidate who fails a drug test will be withdrawn from consideration.

### 2. MCN may request employees to submit to drug/alcohol testing in certain circumstances, including:

- a. Employees are subject to testing based on (but not limited to) observations of apparent workplace use, possession or impairment or when an employee's conduct, actions or behavior reasonably leads the employer to suspect that the employee may be under the influence.
- b. When an employee is arrested for a drug or alcohol related offence.
- c. When an employee has experienced an on-the-job injury or accident.
- d. Safety sensitive employees, without individualized suspicion, are required to undergo periodic drug/alcohol test.

### 3. HR shall be consulted before sending an employee for testing. All levels of supervision making this decision must document specific actions or observations and behaviors that create a reasonable suspicion that the person is under the influence or violated this policy.


#### a) Observation Checklist Include:

- i. Odors - Smell of alcohol, body odor or urine.
- ii. Movements – Unsteady, fidgety, dizzy.
- iii. Eyes – Dilated, constricted, watery eyes, or involuntary eye movements.
- iv. Face – Flushed, sweating, confused or blank look.
- v. Speech – Slurred, slow, distracted mid-thought, inability to verbalize thoughts.
- vi. Emotions – Argumentative, agitated, irritable, drowsy.
- vii. Actions – Yawning or twitching.
- viii. Inactions – Sleeping, unconscious, no reaction to questions.

### 4. If the results of the reasonable suspicion or violation indicate further action is justified and testing is warranted, both management and HR will meet with the employee to explain the



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Drug and Alcohol</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 4 of 10	

reasonable suspicion or violation and the requirement to undergo a drug and/or alcohol test.

5. Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of management must escort the employee to and from the testing facility.

## Random Testing


MCN reserves the right to conduct random drug and alcohol test to employees for compliance of its drug and alcohol free workplace policy. All employees are subject to random drug or alcohol testing at any time.

## Violations

An employee found at any time to have violated this policy may be disciplined by MCN even when the violation has not resulted in a criminal conviction. Employees may also be temporarily suspended if such is deemed necessary to protect the best interest and safety of the tribe, its components and participants. Further, employees alleged to have violated this prohibition shall be subject to disciplinary action including, but not limited to: termination of employment, referral for prosecution, and/or completion, at individual's expense, of an appropriate rehabilitation program. As an alternative to disciplinary action, MCN may require satisfactory participation in drug abuse assistance or rehabilitation program as a condition of continued employment. The drug abuse assistance/rehabilitation shall be one that has been previously approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.

1. Violations shall result in corrective action, up to and including discharge of employment. Other rules of prohibited conduct and violations are listed throughout this policy. Probationary employees and any employee who commits Level II violations shall be dismissed from employment and not offered a last change agreement.
2. Level I – The following violations shall result in corrective action up to and including discharge of employment:
  - a. Reporting to work with illegal drugs or their metabolites in the employee's system that yields a positive test result.
  - b. Reporting to work with alcohol in the employees system that yields a positive test result.
  - c. Failure to provide prescription drug information within three (3) working days when required.
  - d. Possess a controlled substance, illegal drug or paraphernalia.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Drug and Alcohol</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 5 of 10	


- e. Evidence of improper/illegal use of drugs/inhalants.
3. Level II – The following violations shall result in dismissal of employment regardless of whether such conduct results in criminal charges or legal prosecution:
- a. Refusal to test.
  - b. Having a drug test reported by the laboratory as an invalid drug test result.
  - c. Providing, selling or attempting to sell, distributing, receiving, trading, manufacturing, transferring, offering, and/or soliciting controlled substances and/or illegal drugs.
  - d. While in a safety sensitive position reports to work while taking legal drugs with warning labels cautioning potential impairment and/or deemed to pose a potential safety threat, unless otherwise preapproved by a physician to perform the job duties.
  - e. Resign from employment at the time of collection or resign shortly after the collection.
  - f. Refusal to sign required paperwork and or LCA after having a positive drug/alcohol test result.
  - g. Fail to comply with LCA.
  - h. Have a second positive test within one year from the first positive test.
  - i. While in a safety sensitive position reporting to work with alcohol, and/or Illegal drugs, or their metabolites in the employee’s system that yield a positive test result.

## Safety Sensitive Job Positions

Having a “Safety Sensitive” job at MCN prohibits an employee from using their medical marijuana card as a way to test positive without Corrective Action applying. Safety Sensitive jobs include but are not limited to:

- a) The handling, packaging, processing, storage, disposal or transport of hazardous materials.
- b) The operation of an MCN vehicle as part of your primary job function, operation of equipment, machinery or power tools.
- c) Repairing, maintaining or monitoring the performance or operation off any equipment, machinery or manufacturing process (preparing food where knives and kitchen equipment is used), which could result in injury or property damage.
- d) Performing Firefighting, First Responder or EMT duties.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	<b>Drug and Alcohol</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 6 of 10	

- e) The operation, maintenance or oversight of critical services and infrastructure including but not limited to, electric, gas, and water utilities, power generation or distribution.
- f) Dispensing Pharmaceuticals.
- g) Direct patient care or Direct Child, Elderly, or Disabled care.
- h) An individual performing security, surveillance or law enforcement duties.
- i) Jobs/positions within MCN governed under the rules/jurisdiction of the Dept. of Transportation.

## Corrective Action

1. Last Chance Agreement (LCA) - An employee not in a probationary period of employment and/or not currently on an LCA who commits a Level I violation shall be offered an LCA for the opportunity to engage in drug/alcohol rehabilitation.
2. Employees who are placed on an LCA shall communicate with their Manager and HR in the event that he or she requires a prescription due to a medical emergency, which could yield a positive test result.
3. Last-Chance Agreement (LCA) include but are not limited to:
  - a. Follow-up drug testing determined by MCN for a minimum of one (1) year but not more than two (2) years.
  - b. Completion of a rehabilitation program.
    - i. Initial appointment must be made within one (1) week of a signed agreement showing an initial appointment date.
    - ii. A medical note must be submitted to their manager and HR after every appointment or visit.
    - iii. Completions of the rehabilitation program must be documented in writing by the employee's physician.
  - c. A waiver of the right to contest any termination resulting from a subsequent positive test.
4. An eligible employee who commits a level II violation shall be dismissed and shall not be offered an LCA. Any employee who is in a probationary period of employment who commits a level I or Level II violation shall be discharged and not offered an LCA.
5. If the employee does *not* complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Drug and Alcohol</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 7 of 10	

## External Sanctions – Crimes Involving Drugs or Alcohol

Tribal law and federal law provide for a variety of legal sanctions for the unlawful possession and distribution of illicit drugs or alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

### Investigations

1. All investigations of drug and alcohol abuse or misuse shall be under the direction of the HR Director/Manager. Methods of investigations into suspected violations of this act may include, but are not limited to, urinalysis drug testing to detect the presence of drugs or alcohol, and inspections or searches.
2. All employees shall abide by the terms of MCN Drug Policy as a condition of employment and cooperate fully in investigation of suspected violations of this policy.


### Procedures for Managers / Program Directors

1. For employees, approved and established leave policies shall be followed for the purposes of such treatment and rehabilitation.
2. Where necessary because of convictions and incarceration, decisions relative to suspension, dismissal or the granting of leave for treatment shall be determined individually
3. A copy of the written statement referenced in this policy regarding the controlled substance prohibition in the workplace shall be disseminated to all current employees, posted in the workplace of each division of MCN and given to each new employee.
4. The project director shall have the responsibility of explaining this policy to employees working on a federal contract/grant.
5. The project director shall notify the Department of Grants and Contracts Administration (GCA) of an employee's criminal drug statute conviction for a violation occurring in the workplace. The GCA shall notify the federal contracting or granting agency of such conviction within ten (10) days of the notice or otherwise receiving actual notice of such conviction. The project director's notification must be made in a timely manner so that GCA may comply with the time requirement set forth herein.

### Inspections

MCN reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Drug and Alcohol</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 8 of 10	

1. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband.
2. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

## Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to HR should be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

1. Such records and information may be disclosed among managers and supervisors on a need-to-know basis.
2. Records may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

## Counseling and Rehabilitation Sources – Employee Assistance Program


The MCN Employee Assistance Program operated by HR may be contacted for preliminary counsel and advice regarding chemical dependency problems and referral to approved chemical dependence treatment agencies.

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

## Definitions

1. Illegal drugs or intoxicating substances are those classified or scheduled drugs for which a criminal penalty can be incurred for use, sale or distribution. Ingesting legal substances such as inhalants, propellants, or volatile substances, for their intoxicating effects are included.  
Illegal also means any drug:
  - a. Which is not legally obtainable.
  - b. Which may be legally obtained but has not been legally obtained.
  - c. Which is being used in a manner or for a purpose other than prescribed.
2. Legal drugs include alcohol and prescription medication which has not been prescribed for

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Drug and Alcohol</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>9</b> of <b>10</b>	


the employee, or has not been prescribed for the amount obtained by the employee, or is not being used at the dosage prescribed for the employee and has an intoxicating and/or potentially addicting effect.

Legal drugs also mean a prescribed drug or over the counter drug which has been legally obtained and is being used for the purpose for which it is prescribed or manufactured.

3. Alcohol – Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
4. Alcohol Concentration – means alcohol in a volume of breath as indicated by a breath or blood test.
5. Applicant – means an individual who completes and submits a job application to MCN Human Resources.
6. Last Chance Agreement (LCA) – Means an agreement provided to an employee in lieu of dismissal or discharge.
7. Controlled substances-Cocaine, marijuana, with the exception of medical marijuana, opiates, amphetamines and any other substance designated a “controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (213 U.S.C §.
8. Diluted specimen – means a urine specimen with a creatinine and specific gravity values that are lower than expected to be human urine.
9. Fit for duty – means the capacity of an employee to safely and completely perform job duties.
10. Health care provider – means certified licensed physician, doctor of osteopathy, certified licensed chemical dependency/substance abuse provider or nurse practitioner.
11. Inhalants – means breathable chemical vapors that are intentionally inhaled because of the chemicals mind altering effects.
12. Invalid drug test – means the results of a drug test for a urine specimen that contains an unidentified adulterant or interfering substance.
13. Impaired – means when an individual’s motor senses (e.g., sight, hearing, balance, reaction, reflects, speech) or judgement either is, or may reasonably be presumed to be, affected by drugs or alcohol.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	<b>Drug and Alcohol</b>		Originated	09/01/2009
			Revised	09/22/2022
			<b>Page 10 of 10</b>	

14. Paraphernalia – means items designed or intended for manufacturing, concealing or using a controlled substance; items used to conceal produced claimed to cleanse an individual's system of drugs.
15. Refuse or refusal to test – means a determination that an individual did one or more of the following:
  - a. Refused to submit to a drug/alcohol test, failed to appear for testing, or displayed disruptive behavior during the collection process.
  - b. Tampered with a sample to include adulteration, intentional dilution or substitution that is reported by the laboratory as an invalid drug test result.
  - c. Failed to cooperate with the testing process, to include but not limited to leaving the testing area, not providing an additional specimen when required, and not following the collector's instructions.
  - d. Possessed item(s) that could be used to interfere with the testing process.
16. Substance abuse-means a pattern of harmful use of any substance for mood altering purposes.
17. Under the influence – means exhibiting behaviors that interfere with the performance of job duties due to excessive or improper use of drugs and/or alcohol.
18. Conviction-A finding of guilt (including judicial acceptance of a plea of nolo contendere) or imposition of a sentence, or both, by judicial body determining violations of federal or non-federal criminal drug statutes.
19. Criminal Drug Statute-A Federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substances.

## **Medical Marijuana License Holder Protection and Non-Discrimination**

- A. Unless a failure to do would cause The Muscogee (Creek) Nation to imminently loose a monetary or licensing related benefit under federal law or regulations and with the exception of employees whose jobs are safety sensitive or primary job function is driving, The Muscogee (Creek) Nation shall not discriminate against a person in hiring, termination, or imposing any term or condition of employment or otherwise penalize a person based upon either:
  - a. Solely, the person's status as a medical marijuana license holder; or
  - b. Solely, the results of a drug test showing positive for marijuana and its components.
- B. Employees that are medical marijuana card holders shall not use, possess or be under the influence while at their place of employment or during hours of employment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 15	

## Policy


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

## Standards

1. The standards for approved travel are established based upon the following policies, the Federal Travel Regulations (FTR) contained in 41 CFR Subtitle F, OMB Circular A-87, and auditing standards.
2. The Nation's Travel Policy shall not be less restrictive than (FTR).
3. Allowable travel events that are not covered by the policies set forth below shall fall under the guidelines of the FTR.
4. The standard of prudence requires that travelers exercise the same care in incurring expenses and accomplishing a travel objective that a "prudent person" would exercise, and the travel is "reasonable and necessary" and within the scope of this policy. **Excessive costs, circuitous routes, delays, luxury accommodations, added cost for personal preferences which are unnecessary or unjustified in the performance of official business are not considered acceptable.**
5. Travel shall be generally authorized for the following purposes:
  - a. Performance of official tribal business;
  - b. Request by an external funding agency;
  - c. Agency required meeting or training;
  - d. Employee educational/training purposes; and
  - e. Program development.
6. Alcohol will not be a reimbursement.




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 15	

## General Responsibility and Authority

1. Management shall adhere to the following policies. Any deviation from these policies shall be secured in writing and signed by the appropriate management giving justification for any such deviation(s).
  - a. Management shall ensure that the projected travel is authorized by considering contract or program objectives, resolutions, directives, program staffing, etc., and that the minimum number of persons essential to the accomplishment of the travel objective shall be placed on travel status.
  - b. Management shall ensure that all transportation and lodging costs are the most economical use of all tribal resources, including time, funds, and personnel for MCN.
  - c. Management shall be responsible for informing the traveler of all requirements, review and follow up of all documents for Travel Authorizations and Travel Expense Reports.
  - d. Management shall schedule travel during the employee's normal working hours.
  - e. Administration shall provide for a centralized agent for purposes of air travel reservations and tickets.
  - f. All travel outside of The MCN tribal boundaries, not covered by a travel authorization, must have pre approval by management to travel.
  - g. In the event of employee termination, management shall cooperate with the tribal Travel Coordinator to ensure that all outstanding travel is cleared before issuance of final payroll checks.
2. The traveler shall adhere to the policies stated herein. Any deviation shall be stated in writing on the Travel Authorization form or by letter of justification with approval of the appropriate management personnel. The traveler shall further ensure that:
  - a. No cost will be incurred against MCN for any unauthorized person or persons accompanying the traveler. Added costs for extra person(s) occupying rooms, taxis, etc., shall be the sole responsibility of the traveler.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Travel</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>3</b> of <b>15</b>	

- b. Any travel cost reimbursements, stipends, honorariums, and gratuities will be paid to MCN, and shall be used to offset costs of the charged program.

Exception:


In the event that the traveler is not on travel status, i.e. on annual leave, personal leave or leave without pay, such reimbursements, stipends, honorariums and gratuities may be retained by the traveler.

- c. No employee will be allowed to travel on another program budget, unless authorized by that funding program.
- d. Employees on probation will not be allowed to travel until their probationary period has ended.
- e. Any accident that occurs while driving a rental or tribally owned vehicle shall be reported to via the incident/accident report within 24 (twenty-four) hours.

## Transportation


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

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 4 of 15	

- b. Coach class or commuter accommodations are required for all tribal travel.
    - i. First class travel may be permitted for health reasons with a written statement from the traveler's physician.
  - c. Frequent flyer miles earned by employees traveling on official tribal business must be used for tribal business. Accumulated benefits are to be used to purchase tickets for official business. Accumulated benefits can be used to a higher class of service while on official travel.
  - d. The traveler is responsible for contacting the tribally designated travel agent to obtain ticket pricing and schedules. However, tickets will not be purchased until confirmed by MCN's Travel Coordinator.
    - i. Purchasing a priority boarding pass/seat is not allowed with federal / tribal funds and reimbursement is not allowed.
  - e. The Nation's Travel Coordinator shall, upon receipt of an approved Travel Authorization Request, issue a Travel Authorization number, confirm the travel with the designated travel agent and make arrangement for the delivery of the tickets. No tickets will be issued by the travel agent without a Travel Authorization number.
3. Tribal vehicles or GSA vehicles may be used on in-state travel status when prior approval is obtained through Fleet Management. Use of a tribal vehicle facilitates in-state travel or travel to bordering states where commercial air flights are not available. Travelers are encouraged to use tribal fuel cards when possible. In the event that a fuel card is not available to the program, fuel and vehicle expenses will be reimbursed at actual costs. The traveler must provide detailed invoices or receipts for all reimbursement requests. Please review all fleet policies before utilizing a fleet vehicle.
    - a. GSA vehicles cannot be used to transport family members.
    - b. Tribal insurance does not cover the transporting of non-employees in tribal vehicles.
  4. Personally owned vehicles (POV) may be used with prior approval under the following guidelines:


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 5 of 15	

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

(These rates may change to be consistent with the FTR.)
  - d. Total amount of the reimbursement for POV mileage at the above rate and cost for added lodging, per diem, etc., shall in no situation exceed the lesser of the calculation of the above defined mileage rates of the cost of advance coach class (or government rate if applicable to program) airline ticket.
  - e. The traveler must submit a flight itinerary with the Travel Authorization Form, quoting advance coach class airfare to establish the most economical reimbursable rate (See paragraph above).
5. Ground transportation expenses may be incurred while on travel status. Modes of ground travel include, but are not limited to, rental vehicles or taxi cabs, and are permissible under the following guidelines:
- a. Use of a rental vehicle shall require justification and will be permitted only with prior approval, and must be cost effective to MCN when compared to other available means of local transportation. The traveler is responsible for

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Travel</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>6</b> of <b>15</b>	


determining if shuttle transportation is provided to and from the airport by the hotel or agency.

- b. Use of a taxi or rental vehicle shall be restricted to official business including, but not limited to, transport between air terminal and lodging sites, and transport between lodging and meeting sites.
- c. Use of a taxi or rental vehicle is permissible for the purpose of obtaining meals when such amenities are either cost prohibitive at, or are not provided by, the approved lodging site.
- d. Use of a taxi or rental vehicle for purposes of entertainment will be at the employee's expense.
- e. Rental vehicles shall be limited to mid-size and compact vehicles only. Large size sedans, vans or SUVs are allowable, only if the number of authorized traveler's in the party can be justified. A minimum number of drivers sufficient to the purpose of the travel shall be designated on the vehicle rental agreement.
- f. The traveler will not be reimbursed for the cost of insurance coverage, since the Nation is self-insured. This insurance is provided as long as the driver is an employee of MCN, and on official business. Traveler will be required to pick-up and return insurance card.
- g. Drop-off charges will require justification, and will not be reimbursed if such charges were not specifically required for the purpose of the travel.
- h. Any cost incurred by the traveler for additional charges (mileage, etc.) which are not directly within the purpose of the travel will not be reimbursed by MCN, but will be at the traveler's expense.

## Local Transportation

1. Use of a POV is limited to direct routing from the employee's home or workstation to a temporary workstation or meeting and return to work or home. Use of a POV is limited to the following:
  - a. Use of a tribal/GSA vehicle is not available.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 7 of 15	

- b. Mileage reimbursement is limited to the difference between the employee's normal mileage to and from work, and the total mileage required.

**Example:**

If an employee normally drives twenty (20) miles to work, and twenty (20) miles home, reimbursement for mileage to a TDY (temporary duty or business travel) or meeting would be paid only if the round trip to work, TDY, and back to work or home exceeded the forty (40) miles.


- c. Employees will not be reimbursed for miles driven which do not specifically meet the requirements of the job.
- d. Reimbursements for mileage will be processed with a properly detailed Mileage Voucher and Activity Sheet.
- e. Receipts for costs of parking (except valet parking) and toll fees may be submitted on the Mileage Voucher for reimbursement.

## Lodging and Per Diem (M&IE)

1. Lodging shall be approved within the guidelines of the FTR/CONUS for travel purposes when the destination is at a distance from the employee's residence or work station which will not permit an economical return or when the period of time will require temporary lodging, normally in excess of seventy-five (75) miles and for more than twelve (12) hours.
  - a. The traveler must determine if the rates offered by the lodging facilities are allowable in accordance with the FTR/CONUS. In the event the destination is not specifically listed by CONUS, rates established for towns/cities within the same county will be utilized. In the event that the destination city or boundary city/county is not listed by CONUS, the CONUS standard rate will be utilized. CONUS is set by lodging rates at 2 and 3 star establishments. The traveler is responsible for finding the most economical lodging.
  - b. The traveler is responsible for making his/her own lodging reservations. The reservation must be in the name of the traveler. The traveler is further responsible for ensuring that reservations are cancelled, if so required, within the period allowed by the hotel so that no costs for cancelled travel become the expense of MCN.




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 8 of 15	

- c. The traveler will be responsible for excessive costs for lodging as a result of personal preference, or failure on the part of the traveler to obtain all information with regard to escalating room rates.
  - d. Each traveler is required to obtain a detailed room bill upon checking out of the hotel. A receipt for cash advance payment and/or “express checkout” does not constitute a detailed room bill. Only original or emailed receipts/invoices from the hotel are acceptable. Faxes and photocopies of receipts or invoices are not acceptable. The traveler should request a “zero receipt” at the time of checkout.
  - e. Room sharing for more than one person on authorized travel will be allowable when and where practical. However, the reservation must be made in the name of all persons sharing the room, and the traveler’s reimbursement will be limited to one-half (approved rate divided by the number of authorized travelers sharing the room) of the approved rate. The name of each traveler must appear on the detailed room bill. Each traveler is required to pay their proportionate share of the cost of lodging.
  - f. In the event of travel for the purpose of official business (not including certain training/workshops/seminars) should available room rates exceed the rate allowable by CONUS, such rates shall not exceed two hundred percent (200%) of CONUS. Such rates require prior approval and a letter of justification. Such rates must be included and documented in the estimated cost applied for on the Travel Authorization form.
  - g. Lodging rates for conferences which are not required by any government agency, or not required to maintain tribal status, will be limited to not more than one hundred twenty five percent (125%) of CONUS. The FTR defines training, workshops and seminars as conferences for the purpose of establishing allowable lodging rates. [FTR Amendment 89] This includes but is not limited to third party vendor workshops.
2. Per diem is provided for the purpose of meals and incidental expenses incurred by the employee during travel status, as provided for under the guidelines of the FTR/CONUS and the policies herein stated: reimbursement for in-room movies, snacks are not allowed.
    - a. Per diem will not be paid for travel periods under twelve (12) hours.
    - b. The allowable rate is established above and is calculated as follows:

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Travel</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>9</b> of <b>15</b>	

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

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

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


- c. When meals and/or lodging are provided to the traveler without charge or are at a nominal cost, an appropriate deduction shall be made from the authorized per diem rate per the FTR. Snacks and/or continental breakfasts provided by commercial airlines, hotels or by hosting entities are not deducted from allowable per diem.
  - d. The traveler shall be reimbursed for any provided meal deduction made only with proof of such meal being purchased elsewhere and a memo of justification.
  - e. Per diem will not exceed one (1) day prior and/or one (1) day after scheduled meetings.
3. Travelers selecting to travel by use of tribal vehicle or POV are entitled to lodging and per diem costs consistent with and not to exceed costs for a similar trip by commercial airlines.

## Travel Request and Authorization

1. All requests for travel shall be prepared on the Travel Authorization Form fourteen (14) days (two weeks) prior to travel. All supporting documents pertaining to the requested travel must be attached to the Travel Authorization Form. Approval of travel on the Travel Authorization Form facilitates the encumbrance of funds to prevent unauthorized



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Travel</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>10</b> of <b>15</b>	


expenditures. Unapproved travel will not be reimbursed. In the event of an emergency, only the Tribal Administrator or the Principal Chief may approve a Travel Authorization after the fact.

2. The Travel Authorization Form and instructions for completion are provided to traveling employees by the Office of the Controller.
3. A Travel Authorization number (TA No.) will be issued by MCN's Travel Coordinator. Air carrier agents will not issue tickets without a TA number.
4. Required registration fees will be indicated on, and paid from, the Travel Authorization Form. However, such fees may be accomplished by a Purchase Requisition in instances where travel status is not involved.
5. Travelers will be responsible for excess costs and additional expenses incurred due to personal preference and convenience when such costs are not convenient or necessary to MCN.
6. No Travel Authorizations will be processed for those travelers with outstanding travel advances or Travel Expense Reports which have not been submitted as required by tribal policy.
7. Costs for travel for official business not covered by the issuance of a travel advance shall be reimbursed upon submission of a Travel Expense Report. Excess advance monies are due at the time of submission of the approved Travel Expense Report.
8. When the cost of the travel is to be reimbursed by a third party, appropriate documentation supporting such reimbursement is to be submitted with the Travel Authorization request.
9. MCN will not incur costs or be billed for the costs of an employee's personal travel or for the cost of relatives or companions who accompany employees.

## Approval

1. The procedure for approval shall be as follows:
  - a. The traveler shall forward the Travel Authorization (TA) and all supporting documentation to the appropriate manager for approval.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 11 of 15	

- b. The approving authority shall determine the appropriateness and necessity of the request, compliance with travel policy, sign for approval and forward the TA to the appropriate director and/or controller for processing. If the travel is disapproved, the approving authority must inform the individual requesting the travel.


## Travel Agenda

1. Management shall ensure that the agenda shall be in accordance with the approved purpose and objectives stated for travel, and must be within the scope of the program and specific job duties of the requesting employee.
2. The Travel Authorization for out-of-state travel shall not exceed one (1) day prior to scheduled meetings or training and one (1) day after such meetings or training. The “one day before” or “one day after” shall not apply to in-state travel without prior justification and approval of management.
3. Copies of announcements, agendas, schedules and training offerings, or other documents establishing costs shall be submitted with the Travel Authorization Form.
4. Copies of the flight schedule or justifications for use of a tribal vehicle or POV shall be submitted with the Travel Authorization Form.
5. The traveler is required to return to work at the completion of the travel status when the trip ends during the normal work day, and if the return time so permits; otherwise, the traveler will be considered to be on leave.
6. Travel during off-hours will not be eligible for comp time or overtime. However, in the event that travel is required during an official holiday, the employee may be given a day off in lieu of the missed holiday with approval of administration.

## Travel Advances

1. Travel advances, where direct payments are made to other parties for conference fees, tuition, registration, etc., shall be made within the scope of allowable advances.
2. Items of travel which are based on estimated allowable costs shall be eligible for travel advances. The travel advances issued will be at ninety percent (90%) of the total estimated cost of travel, excluding fees and airfare.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 12 of 15	


3. No travel advance will be issued to employees with existing travel advances outstanding more than five (5) working days after the travel has occurred or with existing debt to the Nation if such indebtedness is the result of travel.
4. Travel advances will not be issued when overnight stay is not required.
5. Travel advances are for tribal business only and cannot be used for personal purposes.
6. Travel advances will not be issued when Travel Authorization is received after the last available check run date for such advance. Full reimbursement will be made upon submission of an approved Travel Expense Report.
7. When travel is canceled, the traveler is required to return all monies advanced immediately.

## Travel Expense Reports

1. The Office of the Controller shall provide a Travel Expense Report form, complete with instructions. In the event that a Travel Expense Report is not submitted within the guidelines of this policy, the employee will be notified of the delinquency. Further delinquency will result in the **full amount of the travel advance** being deducted from the payroll immediately following the due date of the Travel Expense Report. Inability to comply due to illness or added travel status must be documented and approved by the Tribal Administrator or Principal Chief.
  - a. Travel Expense Reports are due within five (5) working days of the last day of travel.
  - b. All original receipts including airline passenger receipts, detailed hotel room bill, receipts for toll roads, parking, taxi fare, etc., are to be attached to the travel expense report.
 

Ticketless Airfare: The traveler will be required to obtain a receipt stub at the respective ticketing counter prior to departure.
  - c. All undersized receipts (i.e. tolls, taxi fare, fuel, parking, etc.) must be taped to a blank sheet of paper (8 ½ x 11). This sheet shall include the traveler's name and travel authorization number.
  - d. When travel is for training purposes, a copy of a "Certificate of Completion" for such training will be submitted with the travel expense report.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 13 of 15	

2. A narrative report, signed by the traveler, as well as any training documents obtained as a result of the travel may be required by the program manager.
3. All training materials and other handouts become the property of the sponsoring program.

## Expense Reimbursement

1. Reimbursement for travel shall be in accordance with standards identified within this policy.
2. Failure by the traveler to submit original receipts will cause a delay in reimbursement and can cause the expense to be disallowed.
3. Receipts are not required for per diem expenditures for meals and incidental expenses (M&IE) unless the employee is on “Actual Cost Reimbursement” travel status. Per Diem for M&IE is calculated based on guidelines established within the Federal Travel Regulations (FTR) and modified for tribal purposes.
4. In the event allowable costs exceed the amount of any travel advance, the traveler will be reimbursed by tribal check after acceptance of the travel expense report and supporting documentation.
5. In the event that any issued travel advance exceeds the allowable costs of the travel, the traveler is required to deposit the balance owed to MCN with the tribal cashier upon return from the trip. Failure to reimburse the Nation within five (5) days will result in a notice from the accounting department. Failure to reimburse within ten (10) days will result in a payroll deduction during the next pay period. After three (3) payroll deductions, the traveler will no longer be eligible for travel advances.
6. Other legitimate costs associated with the travel shall be reimbursed at full cost upon approval by management, provided appropriate documentation is submitted with the travel expense report. Such allowable costs include, but are not limited to:
  - a. Conference/meeting room rentals.
  - b. Reproduction/copying costs.
  - c. Fax/postage costs.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	General Employment Policies		Section 503	
	<b>Travel</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>14</b> of <b>15</b>	

- d. Costs for audio-visual rentals.
  - e. Parking and toll fees (the tribe does not reimburse costs for valet parking).
7. Actual cost reimbursement may be made by request of the traveler by so noting the Travel Authorization Form prior to approval. Actual cost reimbursement may be selected for lodging only and/or M&IE and will be based upon:
- a. In the event that lodging costs cannot be held to two hundred percent (200%) of the (CONUS), and the purpose of the travel is for official business of MCN, the traveler may request actual cost reimbursement not to exceed three hundred percent (300%) of CONUS. Certain third- party workshops and seminars may not be considered official business.
  - b. Actual cost of meals and incidentals in areas where such services are not available to the traveler at normal or reasonable rates.
  - c. Advances will be made based upon actual lodging costs and/or CONUS approved per diem rates.
  - d. Actual cost reimbursement requires the submission of receipts for all costs incurred during the travel.

## Third Party Reimbursements

- When travel is to be reimbursed by a third party, a travel authorization is still required. The travel authorization shall be so noted and documentation supporting the reimbursement is to be submitted with the travel authorization. Costs of the travel will be covered by MCN under the policies set forth above, including advances, pending receipt of cost reimbursements from the hosting agency.
- The traveler is responsible for submission of the reimbursement request to the hosting agency and will further ensure that all reimbursements are to be made payable to the MCN. A copy of the reimbursement request and copies of detailed receipts will be forwarded to the tribal Travel Coordinator along with a Travel Expense Report. In the event that reimbursements are made directly to the traveler, the traveler will be required to repay the travel advance. In the event that the hosting agency does not fully cover the cost of the travel, cost will be borne by the tribal program based upon allowable costs. Such reimbursements

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	Travel		Originated	09/01/2009
			Revised	09/22/2022
			Page 15 of 15	

made by the hosting agency may result in an IRS Form 1099 to be shown as taxable income to the traveler at the end of the year.


## Non-Employee Travel

1. Travel will be approved contingent upon justification and prior approval of the appropriate management. Travel must be within the scope and purpose of the program and the purpose of the committee or board member.
2. Non-employee travel shall be subject to all policies stated above. Sponsoring programs are responsible for informing the traveler of all requirements, and for review and follow-up of all travel documents.

## Conduct

1. Employees on travel status for the purpose of official business or training are representatives of The MCN.
2. Conduct while on travel status shall be governed by policies stated in the HR Policies and Procedures Manual.
3. Violations of these policies shall result in appropriate disciplinary actions and cause the traveler to be ineligible for travel status until the ineligible status is lifted by the administration.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Employee Organizations	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

This policy provides the guidelines in which The Muscogee (Creek) Nation (MCN) recognizes employee organizations and the benefits it can provide to the different organizations. MCN recognizes the importance of employee organizations and their positivity they can bring. Organizations contribute to the diversity and culture at MCN from the range of activities and an opportunity to build lifelong connection by offering employees and citizens an opportunity to join together in social, cultural and other special interest groups. Below are guidelines for becoming an official organization recognized by MCN.

1. Employee organizations must register with the Principal Chief's office to become an official MCN organization
2. Employee organizations shall not be officially recognized until their group's constitution/by-laws have been granted written approval by the Principal Chief.

## Criteria for Recognition

To be approved as a registered employee organization, the group must meet the criteria listed below. Recognition approval is discretionary and the Office of the Principal Chief reserves the right to determine if the organization is in the best interest of MCN.

1. Must have a minimum of five (5) current, active employees.
2. The mission must reflect the mission and values of MCN.
3. The services and programs offered by the organization must directly relate to The MCN.


## Privileges and Benefits of Recognition

The following privileges are available upon official recognition, provided the organization is in good standing.

1. Ability to reserve space on tribal property at little or no cost. (when available)
2. Ability to reserve tables and banner space at little or no cost. (when available)
3. Ability to publicize on the nations email system through Public Relations and designated areas on the Nations property.
4. Ability to participate in MCN sponsored events when applicable.
5. Access to other resources provided by MCN departments and offices. (when available)



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Email, Internet and Equipment Usage</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 5	

## Policy

The Muscogee (Creek) Nation (MCN) recognizes that use of MCN's equipment, the internet and email has many benefits and can make workplace communication more efficient and effective. Therefore, employees are encouraged to use the internet and email system appropriately, ethically and in a professional manner.

Internet and email access is intended for business related purposes only. Unacceptable use of the internet and email can place MCN and others at risk. This policy outlines MCN's guidelines for acceptable use of the internet, email and company equipment and must be followed in conjunction with other MCN policies governing appropriate workplace conduct and behavior.

## Monitoring


MCN reserves the right to monitor, examine and regulate any and all aspects of MCN equipment and computer systems.

1. Email and other electronic communication transmitted by MCN equipment, systems and network are neither private nor confidential, and are the property of MCN. No user should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of MCN equipment and/or access.
2. Such monitoring may occur at any time, without notice, and without the employee's permission.
3. Electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.
4. A monitoring and reporting system has been installed at MCN in order to track each employee as to web sites visited, duration of time spent on the internet and quantity of email processed.
5. Employee compliance will be the responsibility of the supervisors, managers, and/or directors. Any supervisor, manager or director who fails to uphold this policy will be subject to disciplinary action, up to and including discharge.

## Usage Guidelines

1. All equipment and technology provided by MCN, including computer systems,

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Email, Internet and Equipment Usage</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 5	


communication networks, company-related work records and other information stored electronically, is the property of MCN and NOT the employee. The use of MCN's technology systems and electronic communication should be job related and not for personal use, preference or convenience.

2. Employees are prohibited and may not use MCN's internet, email or other electronic devices to transmit, retrieve or store any communication or other content of a defamatory, discriminatory, harassing, stalking or pornographic nature.
  - a. Messages with derogatory or inflammatory remarks about an individuals, race, age, disability, religion, national origin, physical attributes or sexual preference may not be transmitted and is strictly prohibited.
  - b. Harassment of any kind is prohibited.
  - c. Disparaging, abusive, profane or offensive language; materials that might adversely or negatively reflect on MCN or be contrary to its legitimate business or governmental interest are prohibited.
  - d. Any illegal activities including: piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the internet or email are strictly prohibited.
3. World Wide Web access from MCN is filtered by third-party software in the following categories: adult content, nudity, sex, gambling, chat lines, instant messaging and games.
  - a. If an employee wants to report a particular web page that they feel should fall into one of these categories, they can call the Information Technology (I.T.) Department.
  - b. If an employee is being blocked from a site that they need access to in doing their job, the department manager can send a request to the I.T. Manager.

## Prohibited uses of the internet

1. Employees may not download or distribute pirated software or data.
2. Employees may not download software or files from the internet except those that will

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Email, Internet and Equipment Usage</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page <b>3</b> of <b>5</b>	

be used to serve MCN.

3. Employees may not use the internet for private and/or commercial financial gain, advertising or solicitation purposes.
4. Employees are prohibited from buying and/or selling merchandise online, for personal use or gain. This includes, but is not limited to, sites such as eBay and Craigslist.
5. Employees may not do personal online banking or pay personal bills online.
6. Employees may not stream media from any internet site, unless it is directly related to MCN tribal business. This includes, but is not limited to, internet radio, internet television, and music videos.
7. Employees may not play any type of games on their computer. This includes, but is not limited to, internet games and locally installed games.
8. Social networking sites are prohibited. This includes, but is not limited to: Instagram, Facebook, Twitter, Plenty of Fish, Bumble, Classmates.com, and Pinterest.
9. The following types of sites are prohibited: pornographic material, nudity, sexual, gambling, chat lines, instant messaging, games and personal dating.


## **Email Policy Provisions**

The conduct of employees using MCN email accounts may be perceived as reflecting on the character and professionalism of MCN; therefore email is for the use of tribal business only.

1. When engaging in such conduct, whether for personal or official purposes, employees are expected to do so in a responsible, ethical and professional manner.
2. Not all employees need an email account.
  - a. Directors and managers must choose from their departments who should be set up with an MCN email account.
  - b. Managers must submit a request for email to the I.T. Department via HRIS.

## **Prohibited uses of email**

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies		Section 503	
	<b>Email, Internet and Equipment Usage</b>		Originated	09/01/2009
			Revised	09/22/2022
			Page 4 of 5	

Email users have a responsibility to learn about and comply with MCN email policies.


1. Violation of MCN policies may result in disciplinary action dependent upon the nature of the violation.
2. Examples of prohibited uses of email are:
  - a. Intentional or unauthorized access to other people's email.
  - b. Creation and/or use of a false or alias email address in order to impersonate another or send fraudulent communications.
  - c. Spam, chain letters, jokes, video links, or pictures unrelated to MCN business.
  - d. Material that would be considered inappropriate, offensive or disrespectful to others.
  - e. No personal email accounts set up on MCN computers; outside personal email accounts will not be accessible.
  - f. Use of email to transmit material in a manner that violates copyright laws.

## MCN Owned Equipment

All equipment and devices provided by MCN including, but not limited to, desk phone, smartphones, tablets, laptops, desktop computers, cameras and iPad, should only be used for government business. MCN owns the equipment and the information on these devices.

1. Upon separation of employment, MCN requires the return of the equipment on the last day of work.
2. Employees must return all tribal property including keys, credit cards, tools, uniforms, cellphones, laptops and other equipment or will be deemed ineligible for rehire and may be subject to legal proceedings on behalf of MCN.
3. All equipment or items must be returned in good working condition or the employee will be subject to deduction from their final leave payout.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Email, Internet and Equipment Usage</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 5 of 5	

- Any information on these devices is the property of MCN and may not be transferred or copied to any other device without permission.


## Policy Violations

Any employee who fails to uphold or comply with this policy will be subject to disciplinary action, up to and including discharge.

## Retaliation

MCN prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in any investigation regarding this policy. Any employee who retaliates against another will be subject to disciplinary action, up to and including termination.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Social Media</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 5	

## Policy


At The Muscogee (Creek) Nation (MCN) we understand that social media is a way to provide information to the people we serve and can be a fun and rewarding way to share your life and communicate with others; however if professional life and personal life are intertwined online and offline, use of social media presents certain risks and responsibilities for MCN employees. MCN employees must comply with applicable laws, regulations and requirements including, but not limited to privacy, ethics, copyright, information security, and records management in its social media use. This Social Media Policy outlines how MCN employees should conduct themselves online and assist them in making responsible decisions about use of social media.

1. These guidelines cover all internally and externally utilized social media platforms and basic principles including, but not limited, to:
  - a. Social networking sites (Facebook, Google+, LinkedIn, etc.).
  - b. Micro-blogging sites (Twitter, Tumblr, etc.).
  - c. Blogs (including MCN's official and non-official/personal use blogs, as well as comments).
  - d. Video and photo sharing websites (Instagram, Snapchat, YouTube, Flickr, etc.).
  - e. Forums and discussion boards (non-official and personal use of Google Groups, Yahoo! Groups).
  - f. XML & RSS Feeds.

## Basic Principles

1. Avoid writing or posting anything that would embarrass MCN or compromise the ability to do the employees job.
2. Be conscious when mixing business and personal. Assume that professional life and personal life will merge online regardless of the efforts to separate them.
3. Assume that everything that you write, post, exchange or receive on social media is public, regardless of privacy tools.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Social Media</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 5	

4. Be aware of inadvertent disclosure or the perception of disclosure. Using social media sites means that the content exchanged is subject to the sites terms of service. The social media site/network will have access to and control over everything disclosed on that site.

**Example:**

Any information on social media could be turned over to law enforcement without your consent or even your knowledge.

## Restrictions on Employee Camera Use

1. See the Camera, Video and Voice Recording's Policy.
2. Employees are prohibited from bringing cameras or other visual recording devices into areas where patient or client privacy may be compromised.
3. Employees are prohibited from bringing cameras or other visual recording devices into areas and/or meetings where company trade secrets or proprietary business information could be disclosed.
4. Employees may record workplace activities that are not prohibited by law or do not compromise confidential information as described above.
  - **Example:**  
Minors – Consider child privacy law. Recordings could be harmful, endanger or invite unwanted attention or danger to the child.
5. In public settings please use common sense and respect a person's reasonable expectation of privacy.

## Social Media at work


Employees are prohibited from using social media during work hours or on equipment provided by MCN unless such use is work related or authorized by a supervisor.

## MCN email

Employees should avoid using MCN provided email addresses to register on social networks, blogs or other websites for personal use.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Social Media</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 5	

## Monitoring

MCN reserves the right to monitor the employee use of any social media and take appropriate action with respect to inappropriate or unlawful postings.

## Departmental Social Media

The Public Relations (PR) Department is responsible for maintaining a list of all social networking departmental domain names in use, the names of all employee administrators of these accounts as well as any user ID's and passwords.

## Official Usage

1. Employees must be authorized and given permission to access and contribute content in their official capacity to social media.
2. Employees are not allowed to speak on behalf of MCN, unless explicitly given permission.
3. The supervisor or manager should clearly explain the assignment and what social media tool the user is authorized to use and the purpose.


## Media Contacts

Employees should not speak to the media on MCN's behalf without contacting the PR Department first. All media inquiries should be directed at the PR department at 918-732-7621.

## Professionalism

Employees should act appropriately when posting online; principles of integrity, professionalism, privacy, and impartiality should be observed when posting online. Any online behavior should be consistent with MCN's policies and procedures with respect to ethics, confidential information, discrimination and harassment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Social Media</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 4 of 5	

## Misuse of Position

1. No employee shall use their position or title for private gain.
  - a. There shall be no endorsement of any product, services, or for the private gain of friends, relatives or other acquaintances.
  - b. No intention to coerce or induce another person to provide benefit, financial or otherwise, to themselves or to friends, relatives or persons with whom the employees are affiliated in any capacity.

## Confidentiality

1. Maintain the confidentiality of MCN trade secrets and private and confidential information.
  - a. Trade Secrets – May include information regarding the development of systems, processes, products, know-how, technology and business developments.
  - b. Confidential Information – Employees are prohibited from disclosing financial, operational or legal information, as well as any information that pertains to employees, clients, patients, customers and/or citizens.
    - Examples include, but are not limited to:  
Files, internal reports, internal operations, legal matters or other internal business related confidential communication.


## Conduct

Be respectful, honest, and accurate. Employees should not engage in any online conduct that would not be acceptable or appropriate in the workplace, including derogatory or discriminatory remarks, threats, intimidation, harassment, insults, slander, defamation, or pornography.

## Avoid Conflicts of Interest

Employees are expected to adhere to high ethical standards and avoid situations that create an actual or perceived conflict of interest between their personal interest and those of the Nation. Conflicts of interest are an unwanted circumstance as it may have heavy implications on the employee's judgement and commitment to MCN's goals.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	Social Media	Originated	09/01/2009
		Revised	09/22/2022
		Page 5 of 5	

## Discrimination and Harassment

1. All employees have a responsibility to maintain an appropriate level of professional conduct in the workplace and online. Employee must treat people with respect and fairness. MCN prohibits harassing conduct (sexual or non-sexual) in any MCN workplace or in any work related situation at any location during or outside normal duty hours. Any dishonorable content regarding racial, ethnic, sexual, religious, gender, physical disability or any other protected class is prohibited and will not be tolerated.
2. If an employee makes a post that could be viewed as a complaint or criticism, the employee should avoid using any statements, photographs, videos or audio that may be viewed as malicious, obscene, threatening, harassing or abusive.
3. Employees should refrain from engaging in offensive postings that may create a hostile or abusive work environment.


## Policy Violations

Any employee who fails to uphold or comply with this policy will be subject to disciplinary action, up to and including discharge.

## Retaliation

MCN prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in any investigation regarding this policy. Any employee who retaliates against another employee for reporting, or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	General Employment Policies	Section 503	
	<b>Request for Information/ Correspondence</b>	Originated	02/26/2021
		Revised	09/22/2022
		Page 1 of 1	


## Purpose

The Purpose of this Request of Information/Correspondence policy is to provide information and establish guidelines between the Legislative and Executive Branches. This will further provide a communication policy that protects the separation of powers between the branches of government and permits a system of checks and balances. All requests for information/correspondence from The Muscogee (Creek) Nation Legislative Branch to the Executive Branch employees shall follow these guidelines:

## Request of Information/Correspondence from the Legislative Branch

1. All requests by the Legislative Branch for information/correspondence held by the Executive Branch shall be submitted through the Speaker of the National Council to the Office of the Principal Chief. The Office of the Principal Chief will respond to each request within 10 business days.
2. Executive Branch employees are instructed to immediately notify their Manager if any Member of the National Council or staff of the Legislative Branch requests from the employee any information/correspondence. In the event a Member of the National Council or staff of the Legislative Branch directly interferes with an Executive Branch employee in the performance of his or her duties, the employee shall report the incident to their Manager. No information/correspondence shall be submitted by an Executive Branch employee to the Legislative Branch except in accordance with this Policy.
3. All attendance requests of the Executive Branch Administration for National Council meetings shall be submitted through the Speaker of the National Council.
4. All information/correspondence submitted by the Executive Branch employees to the National Council shall be submitted through the Office to the Principal Chief to the Speaker of the National Council.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	<b>Wage and Salary Administration Policy</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 5	

## Policy


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

## Application and Statement of Compensation Policy

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

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

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	<b>Wage and Salary Administration Policy</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 5	

- g. To publish the objectives and policy upon which the compensation program is based and to provide information to employees about the wage and salary structure and administration as it affects them individually.

## Statement of Compensation Objectives


It is the objective of MCN to maintain a compensation system that shall:

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

## Wage and Salary

1. Wages and salaries for any operating budget within MCN shall be established and approved by a member of the cabinet prior to submission to the Office of Principal Chief.
2. Only the Principal Chief has the authority for salary increases and Cost of Living Allowances (COLA).

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	<b>Wage and Salary Administration Policy</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 5	

## Position Classification


- Managers shall review and assign appropriate grades, titles and occupational codes for each job position.
  - New positions – must be approved by the Principal Chief via the schedule “A”.
  - Change in personnel – Approved by cabinet secretary or designee.
- The assignment of appropriate grades, titles, and occupational codes is contingent upon the designation of specific duties to positions by the supervisor of each position.
- Positions are classified by application of position classification and job grading standards of public and private sector employers in the service area of MCN.
- If changes are made in a position at any time, the supervisor must notify Human Resources (HR). Action then shall be taken to update the job description which may or may not result in a change in grade level and title.
- Most positions are assigned to one of the different pay grades of the established Wage Schedules. Certain jobs, such as contract personnel, may be exempt from the classification system and may be paid under different pay systems.

## Job Description

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



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary		Section 504	
	Wage and Salary Administration Policy		Originated	09/01/2009
			Revised	09/22/2022
			Page 4 of 5	

## Management Schedule (MG)

1. The Management Schedule covers supervisors and management positions. This system includes grades which have a graduated pay scale set by administrative policy.
2. Positions classified under the Management Schedule use employee performance as a basis for increases in base pay.


## Salaried Schedule (SG)

1. Employees in professional, technical or administrative capacities are paid under the Salaried System. This system includes grades which have a graduated pay scale set by administrative policy.
2. The following factors are taken into consideration when assigning a grade to salaried positions covered by the Factor Evaluation System. Advancement to the next grade is determined by employee performance and availability of funds.
  - a. Education.
  - b. Experience.
  - c. Years of service.
3. These increases become effective on the first day of the pay period following the completion of Personnel Action Request forms.
  - Exception:  
Retro increases are to be given only in EXTREME circumstances, along with a written justification and can only be utilized within the current fiscal year.

## Hourly Schedule (HG)

1. The compensation of an employee, who is employed in a recognized hourly position, is set under administrative policy in the Hourly Schedule. This system includes grades which have a graduated pay scale set by administrative policy.
2. Pay increases for positions classified under the Hourly Schedule are based on employee


## HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Wage and Salary Administration Policy	Originated	09/01/2009
		Revised	09/22/2022
		Page 5 of 5	

performance.

### Fair Labor Standards Act Classification

To the extent that the Fair Labor Standards Act (FLSA) may be applicable to MCN, employees may be classified as exempt or non-exempt from the minimum wage and overtime provisions of the FLSA.

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL			
	Wage and Salary	Section 504	
	Emergency and Inclement Weather Workers	Originated	07/16/2021
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The purpose of this policy is to outline Emergency and Inclement Weather Workers that provide services to The Muscogee (Creek) Nation (MCN) on an on-call and emergency basis. The policy will also outline the compensation for employees providing these services to MCN.

## Work Hours

Prior to normal starting time when it is announced that MCN offices will be closed due to inclement weather all full-time employees will be paid for such time off. Part-time employees will be paid if normally scheduled to work that day and only for those hours which the employee would normally work. A regularly scheduled work week is defined as Monday – Friday 8am to 5pm. Part-Time workers schedule may vary.

## Emergency and Inclement Weather Workers


When The Muscogee (Creek) Nation announces that an Emergency Worker is needed and contacted by their Supervisor to come to work during these events, those employees will be expected to make all reasonable efforts to arrive at their pre-determined work location on time. Any employee who is unable to report to work should communicate with their department supervisor and follow the policy and procedures set forth in The Muscogee (Creek) Nation Human Resources Manual.

## Compensation for Emergency and Inclement Weather Workers

During these Emergency and Inclement Weather events, some of the workforce may be called upon by The Muscogee (Creek) Nation to perform tasks such as snow removal, checking of buildings during extreme weather, power outages and burial services. This is not an exhaustive list, but examples of work that may be needed during an Emergency or Inclement Weather. Workers in this category may be required to work weekend and MCN observed holidays.

Should the need for work fall on a normally scheduled work day (Monday-Friday 8am to 5pm), the compensation will be the employees regular hourly rate of pay and any hours worked over 40 per week Monday to Friday may be eligible for overtime. Please contact your supervisor to see if overtime may be applicable. When the work falls on a weekend (Saturday or Sunday) then the employee is paid at 1.5 times their hourly rate or time and a half. Finally should an employee be called out to work on an MCN observed holiday, meaning the actual date MCN gives off for the respective holiday, then double time will be paid for those days to Emergency and Inclement Weather Workers.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary		Section 504	
	Administration Operating Responsibility		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy

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

### Operation Unit

### Responsibility

#### Managers

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


#### Human Resources

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

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

Constantly review the wage and salary procedures for the purpose of recommending, developing and implementing policies, and/or procedures that will increase the effectiveness of the procedures. Maintain comprehensive wage and salary records for the purpose of supplying top level management with various data and reports at their request. Review all exceptions to policy, deciding whether or not said exception should be directed to the attention of the Principal Chief.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Administration Operating Responsibility	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

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

Review specific areas of concern to insure fair and equitable job evaluation and technical qualification.

## Finance

Approve the wage and salary guide and the wage and salary scales on an annual basis. Review the wage and salary administration procedures to ensure that the program is accomplishing the objectives of the tribal government. Approve and disapprove all salary actions based upon availability of budgeted funds and verify that all salary have corresponding budgets.


## Payroll Function

Process all approved salary actions.

## Principal Chief

Act as the final approving body for any salary administration exception to policy, as well as review the overall wage and salary administration procedures. Approve or disapprove recommended changes in wage and salary administration procedure and policy.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Approval Level Determination	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The following policy represents the guidelines for securing approvals within policy wage and salary actions.

### Approval Level

### Responsibility

Manager	Recommend the employee for salary increase using the policy guidelines. The origination manager's signature shall indicate his/her commitment that the employee's performance has justified the recommended increase.
Cabinet member	Review the recommended increase with the originating supervisor determining that the rationale concerning the increase is such that he/she can indicate his/her approval by signing the Salary Action Form. The review shall include consideration of budgetary limits. Forward approved form to Human Resources (HR).
Human Resources	Review the projected salary action for compliance with the wage and salary administration guidelines and to insure that all required information on the form is completed. In the event the recommendation does not conform to policy, HR shall return the recommended action for either completion or further consideration. Upon ascertaining that the recommended salary action is within policy, HR shall forward the action to the final approving body.
Finance	Review the salary and budget to verify that the salary has corresponding budgeting and availability of funds.
Principal Chief	Approval by this level of management (or his/her designee) indicates final acceptance of the recommended wage or salary action. Upon approval, the Principal Chief returns the form to HR who processes the salary action through the payroll office. HR then advises management of the affected work unit that the salary action has been approved. HR shall also inform the affected employee of the salary action.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Timesheets	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	


## Policy

A timesheet is a document on which employees record the number of hours they have worked within a given pay period. Timesheets are considered source documents and are to be completed in HRIS.

1. Each supervisor shall maintain time and attendance on all persons under his/her direct supervision; each individual shall be responsible for completing his/her timesheet.
2. Each individual and his/her supervisor shall approve the time sheet as evidence of authenticity prior to the individual receiving pay for the period covered.
3. All personnel who submit their approved timesheets on a prompt basis shall be paid on a bi-weekly basis.
  - Exception:  
If timesheets are not turned in by the deadline, employees may receive a late check. Please see the policy “completion of timesheet” listed below.
4. All payroll checks and deductions shall be computed by the payroll office.
5. Timesheets are source documents.
  1. The falsification of a source document may subject an individual to criminal charges.
  2. The falsification of a source document shall be grounds for immediate dismissal. Falsification includes but is not limited to:  
Not correcting the time sheet after approval for the timesheet has been made by the Manager.
1. Time and attendance shall be kept on the timesheets according to the following codes:
  - a. Hours Worked.
  - b. Overtime.
  - c. Compensatory Time.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Wage and Salary	Section 504	
	Timesheets	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 3	

- d. Holiday Leave.
- e. Annual Leave.
- f. Sick Leave.
- g. Leave Without Pay.
- h. Jury Duty.
- i. Bereavement Leave.
- j. Disaster Leave.
- k. Military Leave.
- l. Inclement Weather.
- m. Administrative Leave.
- n. Personal Leave.
- o. Cultural/religious leave.

## Completion of Timesheets

- The deadline for completed timesheets to be received in Human Resources (HR) is 10:00 am on Friday, with the exception of departments required to work weekends. For those departments, the due date is 10:00 a.m. on the Monday following each pay period.
  - Exceptions:  
In case of holidays, special instructions from the Payroll office shall be distributed.
- Any timesheet received after these deadlines shall be considered late and shall be processed accordingly. Only those timesheets which are correctly filled out shall be considered complete. Incomplete timesheets must be corrected before the appropriate

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Timesheets	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 3	


deadline or they shall be considered late. While HR shall attempt to notify an employee whose timesheet is incomplete, it is the responsibility of the employee and his/her supervisor to ensure the employee timesheet is complete and correct.

3. Each full-time employee shall indicate on their timesheet a sum of eighty (80) hours on the totals section of the timesheet.
  - Example:  
The sum of hours worked and any type of leave shall be eighty (80).
4. Any full-time employee timesheet which has a total that does not equal eighty (80) shall be considered incomplete.
  - Exception to the 80 hour rule may be made and are not limited to:  
Terminations, FML, medical leave...etc.
5. Each full-time employee shall indicate on their timesheet a sum of their scheduled hours for each day worked. If the total of hours worked is less than their scheduled hours then the appropriate approved leave must be indicated. Any full-time employee timesheet which does not indicate their scheduled hours for each day shall be considered incomplete.
6. Each employee shall approve their own timesheet or it will be considered incomplete.
7. Approval of the timesheet must reflect approval through the last day of the pay period.

## Distribution

1. Payroll is distributed via direct deposit.
2. Payroll will not be distributed in advance of pay day.
3. Late timesheets may result in late direct deposit.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Compensatory Time	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	

## Policy


The Muscogee (Creek) Nation (MCN) policies related to overtime compensation are established pursuant to the Fair Labor Standards Act (FLSA). MCN reserves the option to either allow compensatory time or to pay overtime for which an employee is eligible under FLSA. MCN will generally compensate a non-exempt employee for any time worked over forty (40) hours with compensatory time. Every effort must be made to utilize a flexible schedule before compensatory time.

1. All compensation time must be preapproved by the manager or supervisor on an appropriate form.
2. All non-exempt employees who are eligible and approved based on the FLSA shall be compensated at a rate of one and one-half (1 ½) hours for each hour worked in excess of forty (40) hours per week. This time will be pro-rated to fifteen (15) minute increments for time that are less than one (1) hour.
3. A Compensatory Time Authorization Form shall be completed by each supervisor authorizing compensatory time and such authorization shall be less than eight (8) hours per any one week. Approved compensatory time for each pay period shall be attached to the employee's timesheet for submission to Human Resources (HR).
4. Compensatory time eight (8) hours or more per individual per any one week shall be authorized only by the appropriate cabinet secretary.
5. Employees must make every effort to use their compensatory time during the same pay period during which it was accrued.
  - Exceptions:
 

If the compensated overtime is worked on the Thursday or Friday at the end of a pay period, the employee's supervisor has the discretion to delay the employee taking the compensatory time until the following pay period.

If the taking of compensatory time may unduly impact departmental operations or public health, safety or property the employee's supervisor may decline to allow the taking of compensatory time for that specific pay period.
6. All compensatory time accrued shall be used within sixty (60) calendar days following the pay period in which it was accrued. After sixty (60) days a mandatory requirement to


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Compensatory Time	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 3	

use compensatory time will be implemented.


7. Accrued compensatory time **must** be exhausted prior to the granting of any leave.
8. The maximum compensatory time that may be accrued is sixty (60) hours (forty (40) hours at straight time); after which employees will be required to utilize their compensatory time.
  - Exception:  
Employees of The MCN Lighthouse may accrue a maximum of one hundred sixty eight (168) hours (one hundred twelve (112) hours at straight time); after which overtime shall be compensated by monetary payment.
9. An employee whose job situation is changed shall be required to use any accrued compensatory time prior to the effective date of such change.
  - Example:  
If the employee is transferred, promoted, demoted or reclassified in such a way their pay rate is changed.
10. The procedure for compensatory time shall be:
  - a. Supervisor - upon the determination that extra work hours are needed over and above the normal scheduled work hours, shall request an employee or employees to work additional hours.
  - b. Management shall complete the Compensatory Time Authorization Form. This form shall state the purpose and amount of overtime work.
  - c. The Compensatory Form must be received in HR by 11:00 a.m. the workday following authorization.
  - d. All non-exempt employees shall record compensatory time daily on the Time Sheet and follow normal Time Sheet procedure.
  - e. HR shall verify compensatory time authorized and recorded on the Time Sheet.
  - f. Unauthorized time shall be disallowed by HR and shall not be entered on the compensatory time record.

## HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Compensatory Time	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 3	

- g. Upon separation of employment, salary for unused compensatory time shall be paid to the employee along with his/her final paycheck.
11. All employees who are exempt under the FLSA shall not be eligible for overtime compensation.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Flexible Schedule	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	

## Policy


Flextime is an arrangement that allows an employee to alter the start and end times of his or her work day around the normal work schedule. Flextime does not reduce the total number of hours worked in a given workweek. This guideline is designed for departments to use as a tool to efficiently implement flextime schedules that are equitable, clearly understood, and to the mutual benefit of the unit/department and employee, while ensuring compliance with applicable regulations and Human Resource (HR) policies and procedures.

1. All Employees are expected to work their normal working hours unless preapproved for a flexible schedule.
2. Supervisors shall approve a flexible schedule on a case by case basis.
3. The supervisor or manager shall approve or deny a flexible schedule based on staffing needs, job duties, work record and the employee's ability to temporarily or permanently return to a standard work schedule.
4. Exempt employees must depart from any flexible schedule to perform their job duties. Non-exempt employees may be asked to work overtime regardless of flexible schedule.
5. A flexible schedule or arrangement may be suspended or cancelled at any time.

## Determining if Flextime Schedules are Appropriate

1. A flextime schedule during the probationary period is not advisable because of the need to clarify job responsibilities, establish relationships with co-workers and clients, and assess suitability for continued employment.
2. Employees who have problems with punctuality, attendance, and/or performance, or who require close supervision, are not good candidates.
3. A flextime schedule should not negatively affect the workload or productivity of coworkers either by shifting burdens or creating delays and additional steps in the work flow. The supervisor/department head should ensure that other employees in the same unit/department understand how and why flextime schedules function.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Flexible Schedule		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	

4. In the event that more employees request flextime schedule arrangements than a unit/department can reasonably manage, the supervisor/department head shall respond to requests that are consistent with these guidelines in ways that are equitable to all employees and in the best interest of The Muscogee (Creek) Nation (MCN). Among the measures that might be adopted are rotating turns between employees, staggering schedules, establishing core work hours.

## Managing Flextime Schedules


1. The employee should initiate a request for a flextime schedule by submitting a proposal to her/his supervisor/department head (see example below).
2. If the employee and supervisor/department head agree to a flextime schedule arrangement, the employee and supervisor shall:
  - a. Determine the specifics of the flextime schedule.
3. Agreements shall be time-specific with a date set for review and reconsideration.
4. The employee shall work the hours agreed upon and obtain approval from the supervisor/department head in advance of working alternate hours or overtime.
5. The supervisor/department head shall maintain open communication, ensure that the employee's hours of work do not fall below the normal workweek hours and discuss with the employee any concerns as they arise.
6. Modifications and/or renewals also shall be documented appropriately.
7. Flextime schedule arrangements shall be initiated on a trial basis, and may be discontinued at any time at the request of either the employee or supervisor/department head. The unit/department reserves the right to immediately suspend the arrangement in the event of unanticipated circumstances regarding employee performance or operational needs.

Example — Flextime Schedules:

Individualized start and end times that remain constant each work day (e.g., 7:00am to 4:00pm, or 9:00am to 6:00pm with 1 hour lunch Monday through Friday).



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits		Section 505	
	Flexible Schedule		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 3	

Individualized start and end times that vary daily with the same number of hours worked each day (e.g., 7:00am to 4:00pm on Monday, Wednesday and Friday and 8:30am to 5:30pm on Tuesday and Thursday with 1 hour lunch daily).

Individualized start and end times with varied hours by day, but consistency in the total number of hours worked weekly (e.g., 7:30am to 5:30pm on Monday, Tuesday and Thursday and 9:00am to 4:30pm on Wednesday and Friday with 1 hour lunch daily)  
Extended lunch period offset by additional time at the start and/or end of the work day (e.g., 7:30am to 5:30pm with 2 hour lunch).

Compressed lunch period (not less than legally-mandated 30 minutes after 6 hours of work) offset by reduced time at the start and/or end of the work day, e.g., 8:30am to 5:00pm with ½ hour lunch Monday through Friday.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Telework - 504	
	Telework	Originated	03/20/2020
		Revised	09/22/2022
		Page 1 of 7	

## Policy

Telecommuting is an arrangement that allows The Muscogee (Creek) Nation (MCN) employees to work at home, on the road or in a satellite location for all or part of their work week. MCN considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with MCN.

### A. Procedures


Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

1. Arrangement - Any telecommuting arrangement made will be on a trial basis and may be discontinued at will and at any time at the request of either the teleworker or MCN.
2. Termination of agreement – MCN reserves the right to cancel the agreement at any time. Every effort will be made to provide 10 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

### B. Eligibility


1. Individuals requesting formal telecommuting arrangements must be employed with MCN for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record.
  - If MCN has declared a “State of Emergency” all eligibility requirements for all personnel may be waived by the Principal Chief or designee.
2. Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Telework - 504	
	Telework	Originated	03/20/2020
		Revised	09/22/2022
		Page 2 of 7	

- i. Employee suitability - The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
  - ii. Job responsibilities - The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
  - iii. Equipment needs, workspace design considerations and scheduling issues - The employee and manager will review the physical workspace needs and the appropriate location for the telework. Appropriate internet and telephone connection must be available.
  - iv. Tax and other legal implications - The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
3. If the employee and manager agree a telecommuting agreement will be prepared and signed by all parties, and a trial period will commence. A copy of the agreement must be sent to Human Resources.
4. Evaluation of telework performance during the trial period will include regular interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems.
5. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.
6. An appropriate level of communication between the telework employee and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. The manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Telework - 504	
	Telework	Originated	03/20/2020
		Revised	09/22/2022
		Page 3 of 7	


## C. Equipment

1. On a case-by-case basis, MCN will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement.
2. The employee must protect any MCN owned equipment and only use the equipment for official business purposes only.
3. The Human Resource and Information Technology departments will serve as resources in this matter.
4. Equipment supplied by the organization will be maintained by the organization.
5. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. MCN accepts no responsibility for damage or repairs to employee-owned equipment.
6. MCN reserves the right to make determinations as to appropriate equipment, subject to change at any time.
7. The telecommuter must sign an inventory of all MCN property received and agree to take appropriate action to protect the items from damage or theft.
8. Upon termination of employment, all MCN property will be returned to the Nation.

## D. Employee Responsibility

1. Ensure customer service is maintained;
2. Send a reminder to manager/supervisor of the work location for that day;
3. Ensure arrangements are made to transfer and retrieve the office phone on teleworking day(s).
4. Ensure materials needed to perform work assignments are taken to alternative worksite;
5. Keep in contact with office colleagues and Manager to keep informed and updated;

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits		Telework - 504	
	Telework		Originated	03/20/2020
			Revised	09/22/2022
			Page 4 of 7	

6. Check voice message every hour and return telephone calls, if phone is not transferred;
7. Check email every hour and respond, when appropriate;
8. Change teleworking schedule if he/she is needed at the main office on regularly scheduled teleworking day; and,
9. Immediately notify the manager/supervisor if an emergency should arise while teleworking at the designated alternative worksite.

## E. Supervisor's Responsibility

1. Identify which tasks performed by staff are suitable for teleworking.
2. Identify the characteristics an employee must possess to be eligible to telework.
3. Establish the follow:
  - i. Establish a Trial Period for each telework arrangement.
  - ii. Provide computer equipment, printer, and fax or will the employee be required to provide these items if working from home alternative worksite.
4. Discuss teleworking with the entire staff and cover:
  - i. Items 1 – 3 above;
  - ii. Office coverage when teleworker is not physically present;
  - iii. Who will transfer and retrieve teleworker's office phone while teleworking;
  - iv. Importance of keeping teleworkers informed when not physically in the main office;
  - v. Scheduling meetings, when possible and feasible, when teleworkers are present in the main office; and
  - vi. Considering having conference calls with teleworkers for meetings.
5. When eligible employees request to telework:
  - i. Discuss items 1-3 above.
  - ii. Discuss the teleworking agreement with the employee.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Telework - 504	
	Telework	Originated	03/20/2020
		Revised	09/22/2022
		Page 5 of 7	

- iii. Employee signs an agreement only after discussion of the agreement with the employee.
  - iv. Complete and sign a Safety Checklist if employee will be working from home alternative worksite.
6. When the teleworker arrangement is approved:
- i. Obtain authorization to transfer office phone to home or alternative number.
  - ii. Make arrangements for any authorized items to be transferred to the home or alternative worksite.
  - iii. Telecommuting is not designed to be a replacement for appropriate child or adult care. Although an individual employee's schedule may be modified to accommodate child or adult care needs, the focus of the arrangement must remain on job performance and meeting business demands
  - iv. Provide a copy of the approved agreement to the employee and Human Resources.


## F. Office Supplies

MCN will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. MCN will also reimburse the employee for business-related expenses, such as phone calls and shipping costs that are reasonably incurred in carrying out the employee's job, on a case-by-case basis. Please get manager approval before incurring any costs.

## G. Employee Work Environment

The employee will establish an appropriate work environment within his or her home for work purposes. MCN will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Telework - 504	
	Telework	Originated	03/20/2020
		Revised	09/22/2022
		Page 6 of 7	

## H. Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of MCN, departmental and customer information or any other document owned by MCN while accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

## I. Safety


1. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards.
2. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy.
3. Telecommuting employees are responsible for notifying the employer of such injuries as soon as possible; within 24 hours of the occurrence.
4. The employee is liable for any injuries sustained by visitors to his or her home worksite.
5. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

## J. Time Worked

1. Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using MCN's time-keeping system.
2. Hours worked in excess of those scheduled per day and per work week require the advance approval of the telecommuter's Manager.
3. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.




# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Telework - 504	
	Telework		Originated	03/20/2020
			Revised	09/22/2022
			Page 7 of 7	

## K. Ad Hoc Arrangements

1. Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, business travel or state of emergencies. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
2. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.
3. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of MCN.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Wage and Salary	Section 504	
	Employee Service Award	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The Muscogee (Creek) Nation (MCN) values the contributions, knowledge and experience of long term employees. In appreciation of this dedicated service, MCN recognizes employees as they reach milestone anniversaries of employment.

1. Employees who are full time and active, and with no break in service with MCN, become eligible for a Service Award in the year in which they complete ten (10), fifteen (15), twenty (20), twenty-five (25), thirty (30), thirty-five (35), forty (40) and forty-five (45) years of service.
2. Human Resources (HR) will coordinate with external departments and vendors to allow employees to receive gifts in recognition of their tenure.
3. All employees celebrating this milestone anniversary will receive a certificate from the Principal Chief.
4. If an employee has completed their years of service and has retired or no longer will work at MCN, this employee still be contacted and recognized for their years of service.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Wage and Salary	Section 504	
	Language Speaking Incentive	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

1. A salary enhancement of fifty cents (\$0.50) per hour for qualified Muscogee (Creek) language and Yuchi speaking employees will be paid to full-time regular employees certified by the Language Qualifying Committee. The employee must have completed the 60 day probationary period in order to receive the bonus; funding must be available within the department.
2. The Language Qualifying Committee shall consist of fluent Muscogee and Yuchi speakers appointed by The Muscogee (Creek) Nation (MCN) Tribal Administrator. In the event of a tie, MCN Second Chief or designee will be a voting member of the committee. Second Chief shall also serve as a one-person appeal official.
3. Employees who believe they qualify by adequately speaking the Muscogee or Yuchi language must file an application form with Human Resources (HR), which will then make the applications available to the committee for consideration.
4. The committee will create an internal policy for operation and select dates and times for testing. Results will be certified by the Muscogee Language Qualifying Committee Chairperson. The committee will provide a certification letter to HR identifying each qualified employee eligible for receiving the fifty cent (\$0.50) salary enhancement.
5. HR will maintain a list of employees qualifying, under this title, for payment of the fifty cents (\$0.50) salary enhancement. This salary enhancement will be added to the employee's regular pay, effective the first day of the pay period following certification notification.
6. The HR Manager will submit a quarterly report to the Principal Chief listing all qualifying Muscogee language speaking employees receiving the fifty cent (\$0.50) salary enhancement.
7. Each certified language speaking employee will be listed as interpreters for their department and will be utilized as such, if and when necessary.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Cost and Fringe Benefits	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy

The Benefits Policy shall provide an administrative framework to ensure the proper management of those activities associated with benefits management including leave, insurance, retirement, career development and associated health and safety. Failure to abide by all leave policies, management is subject to disciplinary action.

## Benefits Cost and Rate

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

## Cost and Fringe Benefits

1. The benefits listed below are effective only for full-time employees for the current fiscal year and are given only for illustrative purposes:
  - a. F.I.C.A.
  - b. State Unemployment Insurance
  - c. Workers' Compensation
  - d. Comprehensive Health & Life
  - e. Retirement

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits		Section 505	
	Cost and Fringe Benefits		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

- f. Career Development Plan
2. All full-time hourly, salaried, and management employees shall have the full range of benefits.
3. All part-time, and temporary hourly, salaried, and management employees shall have less than the full range of benefits available and are given only for illustrative purposes:
  - a. F.I.C.A.
  - b. State Unemployment Insurance
  - c. Workers' Compensation
4. The Office of the Controller shall issue, on an annual basis, the benefits and rate effective for all full-time, part-time and temporary hourly, salaried, and management for that fiscal year.
5. All contract classification employee benefits shall be negotiable and specifically listed in the employment contract.
6. The applicable benefits shall be applied for elected classification personnel as required by ordinance or resolution.

## Full-Time Vs. Part-Time

Blue Cross Blue Shield contract reads "Only Full-Time employees who are regularly scheduled to work a minimum of 30 hours per week and are on the permanent payroll of the employer."

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits	Section 505	
	Administrative Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Administrative leave is an administratively authorized leave of absence from duty, without loss of pay or charge of leave. Administrative leave is authorized as the Principal Chief deems appropriate and is not an entitlement. This is for special circumstances but most common, for tribal related activities, unacceptable performance, misconduct or investigations.

1. Upon the discretion of the Principal Chief, leave of absence with pay may be granted to employees for tribal related activity which is not covered by any other paid leave policies.
2. Administrative Leave may only be granted by the Principal Chief.
3. Human Resources (HR) shall not process a leave of absence specifying administrative leave which is not approved by the Principal Chief.
4. The request procedure is to contact the Principal Chief's Office for authorization, turn in authorization to HR and submit an electronic leave request in HRIS.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Annual Leave		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 3	

## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Annual leave is paid time off granted by MCN to be used for any purpose. Annual leave will be granted to all regular full-time employees based on a schedule of reward associated with the number of years of uninterrupted service by the employee.


1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, Ipads, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Annual Leave Policy

1. Employees will be eligible for annual leave upon the completion of the sixty (60) day conditional employment period.
2. Employees and their managers are mutually responsible for planning and scheduling the use of annual leave. Employees should request annual leave in a timely manner and managers should provide a timely response to the employee's request.
3. The scheduling of annual leave will be a management prerogative.
  - a. Managers or supervisors are encouraged to maintain an annual leave/vacation schedule for each employee within their department. This will ensure each office remains adequately staffed at all times.
  - b. It is advised that annual leave be taken in a timely manner. If requested at the end of the fiscal year, the request may be denied due to lack of coverage or job duty responsibilities
4. All annual leave must be requested in advance and approved electronically through the Human Resource Information System (HRIS).



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits		Section 505	
	Annual Leave		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	

- Exception:  
This stipulation will not apply when annual leave is being used in conjunction with the tardy policy.
5. Any unauthorized absences shall be accounted for as unauthorized leave without pay and the employee placed in a probationary status.
    - a. Leave is not considered approved until requested and approved in Human Resource Information System (HRIS).
  6. The employee will base annual leave upon pay periods completed and the number of years of uninterrupted service. Accrual rates for all employees who begin employment on or after January 9<sup>th</sup>, 2019 annual leave will be as follows:
    - a. Zero (0) to Sixty (60) days of service: no hours earned
    - b. Sixty (60) days up to five (5) years of service: four (4) hours per pay period (104 hours annually or 13 days)
    - c. Five (5) years up to ten (10) years of service: six (6) hours per pay period (156 hours annually or 19.5 days)
    - d. Ten (10) years of service and over: eight (8) hours per pay period (208 hours annually or 26 days)


Exception: Employees who were employed with The MCN before January 9<sup>th</sup>, 2019 will be held to the accrual rates that were given upon employment. The rates are as follows:

- a. Zero (0) to two (2) months of service: no hours earned
- b. Two (2) months up to one (1) year of service: four (4) hours per pay period (104 hours annually or 13 days)
- c. One (1) year up to ten (10) years of service: six (6) hours per pay period (156 hours annually or 19.5 days)
- d. Ten (10) years of service and over: eight (8) hours per pay period (208 hours annually or 26 days)

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Annual Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 3	

7. Full-time employees may carry over up to two-hundred forty (240) hours of unused annual leave to the next fiscal year. Any accrued annual leave in excess of the ceiling will be forfeited if not used by the final day of the fiscal year.
8. Employees who transfer from MCN to the Health division or vice versa, shall follow their current accrual schedule.
9. Annual leave is considered a vested benefit. Upon separation of employment, salary for unused annual leave shall be limited to the maximum of two hundred forty (240) hours and shall be paid to the employee along with his or her final paycheck.
  - a. Payment for unused annual hours will be contingent upon all property issued to the employee is returned in good working condition.
10. In an emergency, annual leave will be available for periods up to eight (8) hours. The manager must be contacted and verbal approval given.
  - a. Any individual requesting emergency annual leave and who does not have accrued leave will be counted as having taken leave without pay.
  - b. If emergency annual leave is requested, then the employee may be required to submit verification.

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL		
	Benefits	Section 505
	<b>Annual Leave Buyback Program</b>	Originated      09/22/2020
		Revised        09/22/2022
		Page 1 of 1

### Policy:

The Muscogee (Creek) Nation understands that not all employees will have the opportunity or perhaps need to use all the annual leave that they accumulate. For this reason, employees may participate in the annual leave buyback program.


1. Annual Leave buy back will be allowed twice a year:
  - a. First pay period of December.
  - b. First pay period of June.
2. An employee must have a balance of greater than one hundred-sixty (160) of accrued annual leave to participate in the buyback program.
3. An employee may not reduce their annual leave hours below one hundred-sixty (160) when participating in the annual leave buyback program.
4. Employee can only sell up to a total of eighty (80) hours twice a year (December and June).
5. Hours will be paid out at the employee's full rate of regular straight-time pay.
6. All annual leave buy back paid out to employees will be taxed at their normal W-4 wage tax rate.

### Procedure:

The procedure for the annual leave buy back is as follows:

1. Employee will submit the annual leave buy back form to Human Resources on or before the due date given by email to all employees.
2. Any employee on probation or disciplinary action of any kind including but not limited to: new hire, suspension, leave with or without pay, Last Chance Agreement, in a current month of disciplinary action are not eligible to participate in the buyback program.
3. After Human Resources has reviewed and approved the hours requested, the form will then be sent to the Manager or his/her designee for approval.
4. Once approved, the form will be sent to Finance for processing.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 504	
	Bereavement Leave		Originated	10/01/2017
			Revised	09/22/2022
			Page 1 of 2	

## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Bereavement leave is paid time off granted by MCN to be used for absences related to the death of immediate family members. Non-Immediate bereavement leave is paid time off to attend the funeral of fellow employees or extended family and friends. This policy also establishes guidelines for providing paid time off to employees classified as regular or regular part-time.

For the purpose of this policy, an employee's immediate family is defined as a parent, spouse, child, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents of the employee or his/her spouse, and grandchildren of the employee, or "foster", "step" or legal guardians within these relationships.

## Immediate Bereavement Leave

1. In the event of the death of an immediate family member, employees may be granted a leave of absence with pay up to a maximum of three (3) consecutive working days.
2. One day of the bereavement leave shall be utilized to attend the funeral of the deceased.
3. An employee who wishes to take time off due to the death of an immediate family member should notify their supervisor as soon as possible.
4. Managers may require proof of kinship/relationship.
5. Bereavement leave may be used as often as needed during the fiscal year.
6. The amount of time authorized shall be determined by the employee's unit manager and shall be allowed as the circumstances warrant.
  - Exception – Part time Regular employees are limited to their regular scheduled hours for three (3) consecutive days.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits		Section 504	
	Bereavement Leave		Originated	10/01/2017
			Revised	09/22/2022
			Page 2 of 2	

## Non-Immediate Bereavement leave

In the event of the death of someone who is not an immediate family member, such as a fellow employee, extended family member or friend, employees may utilize non-immediate bereavement leave.

1. Employees may be granted a leave of absence with pay for eight (8) hours per fiscal year.
2. Managers may require verification of death of the deceased.
3. All leave requests must be requested in advance and approved electronically through the HRIS.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits	Section 505	
	Cultural / Religious Leave	Originated	10/01/2017
		Revised	09/22/2022
		Page 1 of 1	

## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). This policy provides a limited excused absence to employees of MCN, for the participation in and/or attendance of cultural or religious holidays, observances and events.

1. Cultural/Religious leave shall be granted to all full-time regular employees.
2. Employees will be given eight (8) hours of Cultural/Religious leave per fiscal year.
3. Employees shall be eligible for Cultural/Religious leave upon completion of the sixty (60) day conditional employment period.
4. Use of Cultural/Religious leave must be preapproved by the manager. Reasonable accommodations will be made to grant leave, unless the adjustment of the work schedule will interfere with the efficient accomplishment of the tribe or departmental mission. This leave may not be granted if it:
  - a. Interferes with the accomplishment of high priority work with a short turnaround time.
  - b. Could cause unsafe working conditions.
  - c. Interferes with essential work that cannot be performed by another employee.
  - d. Interferes with work that cannot be appropriately performed outside of business hours.
  - e. Results in a more than nominal increase in operating cost.
  - f. Compromises employment entitlements of other employees.
5. All Cultural/Religious leave requests must be requested and approved in advance electronically through the Human Resource Information System (HRIS).
6. Leave must be taken in (8) eight hour increments.
7. Cultural/religious leave is not a reimbursable benefit and should not be considered as such upon separation of employment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Disaster Leave		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 1	

## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Disaster leave provides employees with pay if an employee encounters a disaster or events such as fire, explosion, flood or violent weather. The employee shall be granted up to three (3) days of leave of absence with pay.


1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Disaster Leave

1. The nature of the disaster, extent of damage, regions affected, duration of crisis, tribal properties impacted, financial impact of The Muscogee (Creek) Nation (MCN) and funding requirements will be considered when deciding to grant disaster leave.
2. Verification of the disaster may be required by Human Resources.
3. The procedure to utilize this leave shall be to complete an electronic leave request in the Human Resource Information System (HRIS).
4. In the event of a disaster, existing policy may be superseded, suspended or changed at the discretion of the Principal Chief.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	Donated Sick Leave		Originated	05/22/2020
			Revised	09/22/2022
			Page 1 of 7	

The Muscogee (Creek) Nation (MCN) recognizes the need and financial hardships that an illness or injury can impose upon our employees. The purpose of the donated sick leave program is to establish an equitable way to allow employees to share their accumulated sick leave with others in need of additional sick leave.

The intent of the program is to protect benefit eligible employees who may face financial hardship because they have exhausted all of their own vacation, sick, personal and compensation time due to an extended serious, catastrophic, or unforeseen illness, injury or impairment.

## SCOPE

All benefit eligible employees who accrue and use sick leave, are eligible to become a member and donate to and withdraw from the sick leave pool. This program is not available to temporary, part-time or contractual employees who do not earn leave.

A Sick Leave Donation Committee will be established and consist a five (5) member panel. A health care professional, manager, supervisor and two (2) employees. This committee will approve and disapprove sick leave donation request.


The administration of the policy will be carried out by Human Resources and approval of Sick Leave Pool withdrawals are the responsibility of the Sick Leave Donation Committee.

## POLICY

### A. Sick leave donation pool membership

1. To become a member of the sick leave donation pool, benefit eligible employees are required to contribute at least one sick day to the sick leave pool per year. The initial contribution will be an open enrollment throughout the year and then will require the contribution of at least one sick day (8 hours) in October of each fiscal year.
  - i. In extenuating circumstances sick leave donation request will be accepted and reviewed by the committee on a case by case basis.
2. Contributions will be accepted by completing a Sick Leave Pool Donation Form available on the Human Resources webpage or link provided. A benefit eligible employee may contribute a minimum of one day per fiscal year.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	Donated Sick Leave		Originated	05/22/2020
			Revised	09/22/2022
			Page 2 of 7	

- Membership and contributions to the sick leave pool are voluntary. Donated sick time will not be reinstated or transferred back to the donating employee.
- Contributions to the sick leave pool will be accepted in October of each year. If the total balance of the available sick leave pool falls below an amount that the Director of Human Resources deems prudent, the Director may authorize a special contribution period. Human Resources will announce the exact dates each year for contribution(s).
- At the end of any fiscal year, all Sick Leave Pool hours are carried forward to the next year.


## B. Donations

- All donation leave must be given voluntarily and may be given at any time throughout the year. No employee shall be coerced, threatened, intimidated, or financially induced into donating paid leave.
- Donations must be given from sick leave balances.
- Minimum Donation – 8 hours
- Maximum Donation is unlimited but must be given in eight (8) hour increments and employee must maintain no less than 40 hours in current sick leave balance and not in combination of leave balances.
- Employees who donate time must have sufficient time in their balances and will not be permitted to exhaust their balances for donations due to the fact that they may experience their own personal need for time off.
- Employees cannot borrow against future annual or sick time to donate.

## C. Donated Sick Leave Request


- Any participating employee may request to utilize donated sick leave. All requests to utilize sick leave donations must be made in advance of anticipated use if at all possible.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	Donated Sick Leave		Originated	05/22/2020
			Revised	09/22/2022
			Page 3 of 7	

2. In extenuating circumstances sick leave donation request will be accepted and reviewed by the committee on a case by case basis.
3. Use of donated sick from the Sick Leave Pool are permitted only for serious, catastrophic, or unforeseen illness, injury or impairment of the employee that meets the following criteria.
  - i. The employee must have exhausted all vacation, sick, personal and compensation leave.
  - ii. Requires continuing treatment or supervision by a licensed health care provider, and also
  - iii. Requires absence from work of at least five days per illness, injury or episode.
4. A participating employee may only utilize sick leave donations once a year in a twelve (12) month rolling calendar year and may not utilize more than 240 hours per year. If an employee anticipates being unable to work after utilization of donated sick leave, the employee should contact Human Resources regarding disability benefits.
5. Utilization of donated sick leave may only occur to the extent of the Sick Leave Pool contributions are available for withdrawal.
6. A participating employee who is receiving worker's compensation, short term disability, long-term disability or benefits from the Maternity leave Policy may not withdraw from the Sick Leave Pool.
7. Employee's utilizing sick leave donations will not accrue leave.
8. The Office of Human Resources will be responsible for guarding the privacy of Sick Leave Pool recipients and donors. Communication will be kept confidential between all parties.
9. The administration of the policy will be carried out by Human Resources and approval of Sick Leave Pool withdrawals are the responsibility of the sick leave donation committee.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS	Section 505	
	Donated Sick Leave	Originated	05/22/2020
		Revised	09/22/2022
		Page 4 of 7	

## D. Eligible employees

1. Must be an active full-time employee.
2. Must have contributed eight (8) hours into the Sick leave donation pool.
3. Must be an employee for one year from date of hire or longer.
4. Must sign up for FMLA.
5. The employee's health related condition must last 5 days or longer.
6. The employee must exhaust all available leave before donated sick leave can be utilized. The request for donated sick leave may be submitted prior to the exhaustion of leave.
7. The condition, illness or injury is not an on-the-job accident that is covered by worker's compensation insurance.


## DI. Procedure

1. The eligible employee must complete and submit a "Request for Donated Sick Leave" form, accompanied by the medical verification of the employee's condition.
  - i. It is the requesting employee's responsibility to obtain medical verification or FMLA certification by a licensed health care provider, whichever applies. Illness, injury or and expected date to return to work must be attached to the application and signed by a licensed health care provider.
2. Return the request form to the Human Resources office.
3. Upon receipt of a completed request for donated sick leave. The request will be sent to the Sick leave donation committee and approved or denied and notification will be sent to the employee.

## DII. Employee Responsibility

1. Employee must provide sufficient information to Human Resources to submit to the Donated Sick Leave Committee to determine if the condition qualifies for donated sick leave.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	BENEFITS		Section 505	
	Donated Sick Leave		Originated	05/22/2020
			Revised	09/22/2022
			Page 5 of 7	

2. Employee must maintain communication with Human Resources for updates, information and return to work status.
3. The employee must complete their own timesheet or make arrangements through their manager to complete their timesheets.
4. Must maintain communication with your Manager.
  - ii. Employees are required to make direct contact with their Manager or immediate Supervisor before leave is needed, absent extenuating circumstances.
  - iii. While out on donated sick leave, the employee, or if incapacitated, the employee's representative will contact the Manager at the beginning of each work week to check in, unless other specific notification arrangements are made that are acceptable to the Manager.
  - iv. Failure to Notify Manager: An employee's failure to notify the Manager when absent may be cause for disciplinary action up to and including termination. Except in cases of an emergency or when other specific notification arrangements have been made in agreement with the employee's Manager.
5. Before returning to work the employee must submit a "Return to Work" certification from a licensed health care provider with no restrictions.

## G. Supervisor Responsibility

1. Maintain contact with employee - Have the employee call in weekly and establish a call in day and time so you may keep in contact for updates, information and return to work status.
2. Timesheet for employee – Make sure the employee's timesheet is complete and approved.
3. Return to work documentation - the employee's supervisor shall require immediately upon the employee's return to work, that the employee submit a return to work certification from licensed health care provider. The certification must also specify what limitations, if any, exist to the employee's ability to perform his or her job

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	Donated Sick Leave		Originated	05/22/2020
			Revised	09/22/2022
			Page 6 of 7	

duties or pose a threat to the safety of the employee or others. If limitations exist, the supervisor shall contact the Human Resources office.

## H. Pay Status

1. In order to use donated sick leave employees must comply with MCN normal paid leave policies.
2. While utilizing donated sick leave the employee must fill out their timesheet or make arrangements with their supervisor to complete your timesheet on time.
3. While utilizing donated sick leave, the employee shall not accrue leave, or be paid for holiday or administrative leave.
4. Under no circumstances will donated sick leave exceed the salary of the employee.


## I. Health Benefits

1. During utilization of donated sick leave, an employee may continue health benefits under the same conditions as though the employee was not on leave in accordance with MCN's Medical Benefits Plan. If payments for benefits are not deducted from your payroll check, please get with the benefits office to schedule your payment.
2. While utilizing Donated Sick Leave, the employee's usual contribution for benefits will automatically be deducted from the employee's paycheck.
3. If the employee is on unpaid leave, the employee must contact the Human Resources Benefits office to arrange to payment for benefits.

## J. Other Information

1. An employee must take donated sick leave in one continuous period of leave.
2. Falsification of Certification - Falsification of a physician's statement, certification, and/or documentation is cause for dismissal from employment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	Donated Sick Leave		Originated	05/22/2020
			Revised	09/22/2022
			Page 7 of 7	

3. Sick Leave Abuse will not be tolerated and is cause for denial or dismissal for use of donated sick.
  - i. Sick Leave abuse definition: Sick leave abuse occurs when an employee uses sick leave for the unauthorized purposes or misrepresents the actual reason for charging an absence of sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time such as the day before or after a holiday, on Mondays and Fridays, after paydays, any one specific day, half-day, or continued pattern of maintaining zero or near zero leave balances.

## K. Failure to Return to Work

1. If the employee advises MCN that they do not intend to return to work, the employment relationship is deemed terminated and the employee's entitlement to applicable job restoration under FMLA, continued leave, and benefits cease.
2. If false claims for Donated sick leave are discovered at any time, or if an employee fails to report to work on the first regularly scheduled workday following absence under the Donated sick leave program, FMLA, or Leave of Absence, the employee will be considered to have voluntarily resigned.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Holiday Leave		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy


The Purpose of this Leave Policy is to provide information and establish guidelines to employees about the different types of holiday and leave provided by The Muscogee (Creek) Nation (MCN).

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Holiday Leave


1. Each employee shall be granted holiday leave on days observed as legal holidays.
2. The following days shall be observed as legal holidays:
  - a. New Year's Day and the immediate preceding work day (if New Year's Day should fall on Saturday, then the holiday shall be observed on Friday. However, if New Year's Day should fall on Sunday, then the holiday shall be observed on Monday).
  - b. Good Friday.
  - c. Memorial Day.
  - d. MCN Holiday.
  - e. Independence Day.
  - f. MCN Sovereignty Day.
  - g. Labor Day.
  - h. Veterans Day.
  - i. Native American Day.
  - j. Thanksgiving Day and the day following day.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Holiday Leave		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

- k. Christmas Day and the immediate preceding work day (if Christmas Day should fall on Saturday, then the holiday shall be observed on Friday. However, if Christmas Day should fall on Sunday, then the holiday shall be observed on Monday).
3. To be eligible for holiday leave employees shall work the full day preceding the holiday and the day after *or* shall have prior approved Leave, not to include approved leave without pay.
4. No employee shall be eligible to use holiday leave in conjunction with medical leave. (please see definition of medical leave)
5. Time Sheets shall reflect the appropriate pre-approved leave.
6. No cash payments shall be made in lieu of holiday leave.
7. In the event that work or travel is required during an official holiday, the employee may be given a day off in lieu of the missed holiday. Approval of this action must be given by the Administration in advance.
8. The procedure for posting legal holidays shall be the responsibility of Human Resources. Human Resources shall post a notice of holiday on the entrances to the building within the tribal complex.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Inclement Weather Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	


## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). If a facility of The Muscogee (Creek) Nation (MCN) is closed or a dismissal is ordered by the Office of Administration–Tribal Administrator due to inclement weather, all employees in that facility shall be granted leave of absence with pay. Inclement weather leave shall not be available to employees who are unable to get to work due to inclement weather in their area if tribal facilities are open.

All health facilities are to remain open until ordered closed by the Cabinet Secretary of Health.

1. Weather and road conditions shall be monitored by the Emergency Management Office and MCN Lighthorse through contact with appropriate agencies and authorities.
2. The Principal Chief and Tribal Administrator will be updated by the Emergency Management Office, when in their opinion, the road conditions are too hazardous or the safety and security of personnel may be jeopardized.
3. The Office of Administration – Tribal Administrator, if deemed appropriate will order the facilities of MCN to be closed.
4. If inclement weather occurs during normal working hours employees shall be notified and directed to leave or take other appropriate action.
5. If inclement weather occurs during non-working hours, employees will be notified by the Emergency Managements office mass notification system. Mass emails will be sent to all employees, The MCN PBX will be updated to include a message and attempts will be made to contact local radio and television networks for the announcement of closings.
6. Lost time due to the closing of the facilities because of inclement weather shall be recorded as inclement weather leave. If the facilities are open but employees are unable to get to work due to inclement weather in their area, the lost time shall be recorded as annual leave or leave without pay.
7. If an employee is currently on leave or preapproved leave then the employee is not subject to inclement weather leave.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	<b>Jury Duty Leave</b>	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

## Policy


The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Jury duty leave is paid time off granted by MCN to be used in the event of an employee is called for Jury Duty in a court of the state of Oklahoma, court of The Muscogee (Creek) Nation or U.S. Federal Court. Jury Duty leave will be granted to all regular full-time employees.

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Jury Duty

1. Upon notification that an employee is to serve on jury duty, he/she shall notify his/her supervisor of the jury duty and present a copy of his/her notification. The manager will then send a copy of the notification to human resources.
2. Employees are expected to report back to their working assignment during a normal work day when their presence is not required by the court.
3. The employee may retain monies received from the court for expenses they received while on jury duty.
4. Any employee of the tribe or any political subdivision who is subpoenaed as a witness to testify on any matter pertaining to their employment is not entitled to receive a witness fee or reimbursement for mileage.
5. The Time Sheet shall reflect this event as time worked.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Leave without Pay		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy


The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Leave without pay is an approved temporary, non-pay status and absence from duty.

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Leave Without Pay


1. Leave without pay shall be considered on an individual basis by management.
2. Leave without pay shall be considered only for purposes germane to the health, safety or welfare of the individual or employer.
3. Any unauthorized absences shall be accounted for as unauthorized leave without pay. Leave is not considered approved until requested and approved in Human Resource Information System (HRIS).
4. Leave without pay shall not be allowed if the employee has accumulated annual or sick leave or personal leave.
  - Exception:  
This stipulation shall not apply when disciplinary action is being instituted.
5. Suspension without pay shall be recorded on the employee Time Sheet as leave without pay.
6. Excessive leave without pay shall be grounds for dismissal.
  - Excessive leave without pay is defined as the utilization of Leave without pay, twice within a two (2) week period.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Leave without Pay		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 2	

7. Unauthorized leave without pay within an employment year shall automatically place the employee in a probationary status.
8. The leave without pay request shall receive approval electronically in HRIS and must be requested in advance.
9. Leave without Pay that results in the employee not receiving a paycheck from MCN will require the employee to contact the Benefits office to remit payment. Failure to pay benefits while out could result in loss of coverage.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	505-Leave Policy	
	Maternity Leave	Originated	04/06/2021
		Revised	09/22/2022
		Page 1 of 4	

## Purpose

The Purpose of this Leave policy is to provide information and establish guidelines to employees about maternity leave provided by The Muscogee (Creek) Nation (MCN). Maternity leave is paid leave to eligible employees during a maternity absence for the birth of a child of an employee.

Please note the follow:

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, laptop, cell phone, iPad, camera, keys...etc.
2. Upon reading this policy, should there be any questions please contact Human Resources.

## Maternity Leave Policy

Eligible employees may receive up to six (6) or up to eight (8) weeks of paid leave payable at 100% of the employee's salary earned at the time of disability. Maternity leave is subject to plan provisions under The MCN Short-Term Disability plan and will run concurrent with Family and Medical Leave. Maternity leave will be paid 50% by MCN and 50% through Short-Term Disability or paid a difference for full salary.

\*\*\* Failure to complete any of the requirements below could result in a denial or delayed maternity leave benefits. \*\*\*

### A. Eligible Employees

To be eligible for maternity leave:


1. **Must complete a Maternity leave request form; with Manager's signature.**
2. **Must sign up for FML and be approved.**
3. **Must file Short term disability claim and be approved.**
4. Must be a full-time regular employee.
5. Must be an employee for at least one year from date of hire.

### B. Procedure

1. Paid maternity leave begins on the date of the child's birth and expires at the end of the six (6) or eight (8) week period or at the conclusion of any Short-Term Disability benefit



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		505-Leave Policy	
	Maternity Leave		Originated	04/06/2021
			Revised	09/22/2022
			Page 2 of 4	


for child birth, whichever is sooner. Employee must take paid maternity leave in one continuous period of leave.

2. If an employee returns to work before the expiration of the six (6) or eight (8) week period, the balance of any paid maternity leave available but not taken for this purpose will be forfeited.
3. Paid maternity leave may not be used or extended beyond the six (6) or eight (8) week time frame. In no case will an employee receive more than eight (8) weeks of paid maternity leave in a rolling twelve (12) month period, regardless of whether more than one birth event occurs within a twelve (12) month time frame.
4. Commencement of maternity leave must be based on actual disability of the employee due to child birth and not extenuating circumstances associated with child birth. (Prenatal visits, bed rest, post-partum, etc.)
5. The employee may utilize their Annual, Sick or Personal leave for any excess leave time outside of Maternity leave.
6. Employees that have not met the one (1) year service requirement may be eligible for alternative benefits under MCN Short-Term Disability plan. Please contact the Human Resources benefits office for additional information.
7. Upon termination of employment, the employee will not be paid for any unused maternity leave.

## C. Employee's Responsibilities

1. Employee must provide sufficient documentation to Human Resources to determine if the leave may qualify for paid maternity leave and the anticipated start and duration of maternity leave. Supporting documentation must be forwarded to Human Resources Benefits office.
2. It is the employee's responsibility to make sure all documentation needed for maternity leave approval is received by the Human Resources benefits office.
3. If the requested leave is foreseeable, the employee must submit a request for leave to their supervisor at least thirty (30) days in advance before the paid maternity leave commences.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		505-Leave Policy	
	Maternity Leave		Originated	04/06/2021
			Revised	09/22/2022
			Page 3 of 4	

4. If an employee fails to provide notice for foreseeable leave, the paid maternity leave may be denied or delayed. If denied the employee may utilize their annual or sick leave during this period.
5. If the thirty (30) day advance request is not practical, then it shall be the employee's responsibility to notify their supervisor as soon as possible. Employees are required to make direct contact with their immediate supervisor on the same or next business day of the when the leave is needed, absent extenuating circumstances.
6. It is the employee's responsibility to notify the Human Resources Benefits office within 3 days after giving birth.
7. The employee shall be responsible for the payment of monthly premiums for any additional coverage or elected dependent insurance coverage.
  - a. Failure to pay premiums will result in loss of coverage.
8. Ten (10) business days before returning the employee must express to their supervisor, in writing, their intent to return to work.
9. The employee shall not be allowed to return to work without first receiving a doctor's / physician's release to return to work.

## **D. Supervisor's Responsibility**

1. Upon approval of the employee's maternity leave, the supervisor must:
  - a. Continue to approve the employee's timesheet while the employee is on leave.
  - b. Signify in the "notes" section of the timesheet whether the employee is on Maternity leave, FML, Short-term disability or Leave without pay.
2. Maintain weekly communication with the employee.
3. The supervisor shall not allow the employee to return to work without first receiving a doctor's / physician's release to return to work.

HUMAN RESOURCES POLICY AND PROCEDURE MANUAL			
	Benefits	505-Leave Policy	
	Maternity Leave	Originated	04/06/2021
		Revised	09/22/2022
		Page 4 of 4	

## E. Human Resources Responsibilities

1. Human Resources must review and approve all request for paid Maternity leave.
2. Medical documentation submitted with request for paid Maternity leave forms must be strictly maintained in Human Resources.
3. If Human Resources determines that the employee's request for Maternity leave is not eligible, the employee will be notified.


## F. Pay Status

1. In order to use paid leave for maternity leave, employees must comply with MCN normal paid leave policies.
2. The period of disability beginning upon the birth of the baby is covered by short-term disability program with an eight (8) day waiting period. If approved for Maternity leave MCN will pay this eight (8) day waiting period.
3. While on paid maternity leave through short-term disability coverage, the employee shall ***not*** accrue annual leave or sick leave, or be paid holiday leave, inclement weather or administrative leave.
4. Under no circumstances, will the combined benefits from any paid leave or from short-term disability program exceed the salary of the employee.

## G. Failure to Return to Work

1. If the employee advises MCN that they do not intend to return to work, the employment relationship is deemed terminated and the employee's entitlement to applicable job restoration under FMLA, continued leave, and benefits cease.
2. If false claims for Short-term Disability benefits are discovered at any time, or if an employee fails to report to work on the first regularly scheduled workday following absence under the Short-Term Disability program, FMLA, or Leave of Absence, the employee will be considered to have voluntarily resigned.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Military Duty Leave		Originated	04/01/2020
			Revised	09/22/2022
			Page 1 of 2	

## Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). This policy provides consistent means for fair and equitable processing of employee compensation during military service/training. Military leave encompasses the following: weekly drills, weekend drills, summer encampment, cruises or similar types of training duty. This includes local emergencies in which guards and reservists are called to duty.

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.


## Military Duty Leave

1. Leaves of absence for military or reserve duty will be granted to all full time employees. Leave will be with pay for up to twenty (20) days per fiscal year, and the remainder of such leave will be without pay.
2. Employees must give a copy of military orders to the department manager.
3. Military leave shall be prepared and approved in advance in the Human Resource Information System (HRIS).
4. The manager shall forward the military orders to Human Resources (HR).
5. Eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state laws.

## Benefits Explanation while on Military Duty Leave


1. Employees on Military Leave will not accrue annual or sick leave time.
2. Employees on Military Duty Leave are eligible to accrue three (3) personal days on Oct 1<sup>st</sup> of each fiscal year.
3. Employees may keep employee benefits as long as premiums are paid and up to date. Should a premium payment be missed it could result in loss of coverage. Please contact HR Benefits Department for more information and arrangements.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Military Duty Leave		Originated	04/01/2020
			Revised	09/22/2022
			Page 2 of 2	

4. All other exit procedures remain in effect for Military Duty Leave employees should they elect not to return to work at The Muscogee (Creek) Nation after their Military Duty Leave expires.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Miscellaneous Leave Provisions		Originated	09/01/2009
			Revised	09/22/2022
			Page 1 of 2	

## Policy


The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN).

### Domestic Violence, Sexual Violence and Stalking Leave

As part of MCN's commitment to a safer and more supportive organizational climate and to the prevention and reduction of the incidence and effect of domestic violence, sexual violence and stalking; MCN is providing up to seven (7) days of unpaid leave per fiscal year for victims of abusive behavior, including domestic violence, sexual violence and stalking.

1. Documentation – Employees must provide documentation either through the filing of criminal or civil proceeding in a court of law, police report, medical documentation, letter from advocacy/victim services or by such other method satisfactory to MCN that the employee has been a victim of domestic violence, sexual violence or stalking.
2. Leave taken pursuant to this policy is unpaid; however, employees may choose to use accrued sick leave while taking leave under this policy. If an employee does not have sufficient accrued sick leave to cover the entire duration of leave under this policy, then the employee may choose to use vacation, personal days or compensatory time while taking this leave.
3. Leave may be used for:
  - a. To seek or obtain medical care, counseling, victim services, or legal assistance.
  - b. To secure housing.
  - c. To meet with law enforcement.
  - d. To attend court proceedings or obtain protective orders.
  - e. To address other issues directly related to the abusive behavior.
4. In cases of imminent danger to the health or safety of the employee or family member, appropriate advance notice of the need for leave must be submitted to the supervisor or manager. If the employee cannot provide advance notice because of a threat of imminent danger, the employee must provide, within three working days, notice that the leave was taken for this reason.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Miscellaneous Leave Provisions	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

## Suspension without pay

Suspension from work, without pay is the temporary removal of an employee from performing his or her work duties and from receiving pay.

1. An employee who has been suspended without pay shall not be granted holiday leave, annual leave, sick leave, bereavement leave, career development programs leave, personal leave, disaster leave, administrative leave, cultural/religious leave or voting leave.
2. Should the employee not receive a paycheck from MCN, they will still be responsible for paying their benefit payments. Failure to pay benefits while out, could result in loss of coverage.

## Breastfeeding support

MCN supports breastfeeding mothers in the workplace by providing flexibility to allow sufficient time to express milk or to breastfeed a baby brought in by a care provider.

1. Time spent beyond the normal break time will be considered to be unpaid.
  - a. The employee and the supervisor can make arrangements to make up time lost or use available paid leave in accordance with existing MCN leave policies.

## Blood Donors

Employees may donate blood up to 4 times each fiscal year with pay and with documentation.


1. Employees must get pre-approval from the manager or supervisor so that it does not interfere with coverage of the office.

## Volunteer Firefighters and Emergency Medical Service Volunteers

Employees who are volunteer firefighters or emergency medical service volunteers will be granted, with the authorization of their supervisors, paid leave not to exceed three (3) working days each fiscal year to attend training. This leave may also be granted for the purpose of responding to fire, medical or emergency situations. Employees must notify their manager or supervisor prior to responding to the emergency situation.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Personal Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy


The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Personal leave is paid time off granted by MCN to be used for any purpose. Personal leave will be granted to all regular full-time employees based on a schedule of reward.

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Personal Leave


1. Personal leave shall be granted to all regular employees based upon a specific number of days per year.
  - a. Employees shall be eligible for Personal leave upon completion of the sixty (60) calendar day Conditional Employment period.
  - b. Personal leave shall be extended to each employee on an equal basis. Each employee shall be given three (3) days of personal leave per fiscal year (prorated on completion of sixty (60) day probation date).
2. Personal leave must be taken in hour increments.
3. Personal leave must be taken within current fiscal year. There will be no carry over for personal leave from year to year.
4. The Human Resource Information System (HRIS) will track personal leave time usage for all employees.
5. Personal leave usage shall be at the managers, supervisors or cabinet secretary's discretion.
6. Personal leave may be used for any reason with prior approval.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Personal Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

7. Upon separation of employment, salary for unused personal leave will be paid to the employee along with his/her final paycheck but is contingent upon all property issued to employee, while employed with MCN, is returned in good working condition.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	<b>Public Health Emergency Family and Medical Leave</b>		Originated	06/10/2020
			Revised	09/22/2022
			Page 1 of 3	

## Purpose

The purpose of this policy is to outline the rights and obligations under a Public Health Emergency for Family and Medical Leave (*PHE-FAM*).

## Policy

The PHE-FAM allows an eligible employee to receive paid leave because of a qualifying public health emergency as designated by the Principal Chief of the Muscogee (Creek) Nation (MCN). The PHE-FAM enables compliance with public health emergency precautions and allows employees leave and other benefits.

### A. Definitions:

For the purpose of this policy, definitions of term(s) shall be found below and have the definition(s) set out therein, unless otherwise specified:

1. Eligible Employee – An individual employed by the Tribe during a public health emergency
2. Family member – A spouse, parent, son, daughter, grandparents, siblings or legal guardian.
3. Public Health Emergency – an executive declaration made by the Principal Chief of The Muscogee (Creek) Nation regarding a public health risk.
4. PHE Plan – the Tribal plan to establish protocols for providing information, situation updates, guidance and direction with regards to any Public Health Emergency.


### B. Process:

#### 1. Reasons for Leave:

Employees who work for MCN during a public health emergency may be granted PHE-FAM for the following reasons:

- i. to prevent or reduce the likelihood of contracting an infectious virus;
- ii. to prevent or reduce the likelihood of a family member contracting an infectious virus by sheltering in place; or
- iii. to prevent or reduce the likelihood of a family member contracting an infectious virus by reducing regular hours in the workplace.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	<b>Public Health Emergency Family and Medical Leave</b>		Originated	06/10/2020
			Revised	09/22/2022
			Page 2 of 3	

## C. Determining Leave

Leave will be determined by the Public Health Emergency Plan or The Principal Chief may communicate the reason(s) for PHE-FAM e.g. By Executive order, sheltering in place, social distancing precautions, public health emergency recommendation(s), et cetera, along with the duration of the leave and the starting and ending dates of the leave if such time is prior to a public health emergency concluding. This leave is subject to certain limitations, MCN reserves the right to deny the continuation of PHE-FAM at any time.

## D. Benefits Coverage During Leave:

1. The employee will retain benefits as provided prior to the PHE-FAM leave.
2. Any dependent coverage premiums which were paid by the employee prior to PHE-FAM leave must continue to be paid by the employee while on leave. If the employee does not pay a premium when due, coverage may be terminated.
3. During PHE-FAM, sick and annual leave time may continue to accrue.
4. An employee's use of PHE-FAM leave will not result in the loss of any employment benefit earned before using PHE-FAM.
5. If a holiday(s) falls during a week when an employee is on paid PHE-FAM, the week is still treated as a full week of paid PHE-FAM.


## E. Violations

Violating the purpose of the PHE-FAM by not practicing safety precautions or abusing the purpose of the policy, employees will be subject to disciplinary action by having the PHE-FAM leave revoked or disciplinary action up to and including discharged.

## F. Return to Work

1. A supervisor is required to notify his/her employee at least 24 hours prior to returning to regular work assignment, from or during PHE-FAM leave.
2. An employee returning from leave for a shelter in place, public health precaution, social distancing precaution, Plan guidance or other public health emergency requirement(s) must also complete an applicable screening. The results shall be shared with his/her supervisor documenting his/her fitness to return to work.


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	BENEFITS		Section 505	
	<b>Public Health Emergency Family and Medical Leave</b>		Originated	06/10/2020
			Revised	09/22/2022
			Page 3 of 3	

## G. Failure to Return

Failure to return to work upon expiration of PHE-FAM may result in disciplinary action, up to and including termination. It is the employee's responsibility to keep his/her Manager informed of his/her status during PHE-FAM.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Sick Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 2	

## Policy


The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). Sick leave is paid time off granted by MCN to be used for the employee's or immediate family's health. Sick leave will be granted to all regular full-time employees.

1. Employees requesting any type of leave longer than five (5) working days will be required to return all MCN property to the manager, supervisor or designee including but not limited to the following: vehicles, cell phone, iPad, camera, keys...etc.
2. Employees failing to return to work upon expiration of their leave of absence, either with or without pay, shall be considered to have voluntarily terminated their employment with MCN.

## Sick Leave

1. Sick leave shall be granted to all regular full-time employees based upon pay periods completed.
  - a. Employees shall be eligible for sick leave upon completion of the sixty (60) calendar day Conditional Employment period.
  - b. Sick Leave shall be extended to each employee upon an equal basis. Each employee shall accrue four (4) hours per pay period completed.
2. Full time employees may carry over any unused sick leave to the next fiscal year. However, at no time shall an employee's accrued sick leave exceed one thousand forty (1040) hours.
3. All accrued sick leave shall be printed on employee check stub.
4. Sick leave shall include all leave time associated with an individual's health (i.e., sickness, disability, physicals, doctor's office visits, mental health, etc.) and immediate family.
5. It shall be the responsibility of the employee to report to the supervisor prior to taking sick leave and to meet the department's call-in procedures when absent from work due to

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits	Section 505	
	Sick Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 2	

illness. Employees are required to make direct contact with their immediate supervisor or follow the chain of command to report an illness and expected date of return.

6. Employees who utilize sick leave, upon return to work, may be asked to present a doctor's statement or other documentation to verify the employee's ability to return to work.
7. If under a physician's care or hospitalization, the employee must provide to Human Resources (HR) a doctors statement or release to return to work.
8. The procedure to validate sick leave on the employees timesheet shall be identical to the annual leave procedure.
9. Sick leave abuse will not be tolerated and could be cause for disciplinary action up to and including termination.
  - Sick leave abuse definition – Occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence of sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage such as the day before or after a holiday, or on Mondays and Fridays.
10. Sick Leave is not a reimbursable benefit and should not be considered as such upon separation of employment.



## HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Voting Leave	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 1	

### Policy

The Purpose of this Leave policy is to provide information and establish guidelines to employees about the different types of leave provided by The Muscogee (Creek) Nation (MCN). This policy grants employees who wish to vote in tribal, federal, state, county, municipal or public elections a limited amount of time to vote. Typically polling places are open for extended periods of time. Therefore, employees are encouraged to vote before or after regular working hours.

1. If necessary, employees may take up to one (1) hour leave from work to vote; it will be considered an excused absence.
2. Employees may arrive one (1) hour late or leave one (1) hour early to vote.
3. Employees must notify their supervisor one (1) day in advance if they will need to take voting leave.
4. Leave on Time Sheet will be documented as “worked time.”

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Family and Medical leave (FML)	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 4	

## Policy


The Muscogee (Creek) Nation (MCN) provides to eligible employees a leave of absence in compliance with the provisions of the Family and Medical Leave Act (FMLA). FML entitles eligible employees to take unpaid, job protected leave for specific family and medical reasons. Provisions of existing MCN policies are designed to enable employees to balance their work responsibilities with the demands of caring for family members or in the event of serious personal illness or injury. The following provides general policy information concerning Family and Medical Leave (FML) and the employee's responsibilities upon utilization of FML.

## Standards

Employees may take FML leave in one consecutive block of time, may use the leave intermittently (take a day periodically when needed over the year).

1. Eligible employees shall be granted up to twelve (12) weeks or 480 hours of **unpaid** leave per rolling calendar year for certain family and medical reasons.
2. Employees are eligible if they meet ***both*** of the following:
  - a. The employee must have completed one (1) year of service; and
  - b. The employee must have worked at least 1,250 hours over the previous calendar year.
3. Utilization of employee leave time (Annual and Sick leave) may be substituted for unpaid leave.
4. Upon approval of FML the following stipulations apply.
  - a. The accrual of leave time shall be suspended for full time FML leave.
  - b. Holiday pay, inclement weather and administrative leave may not be utilized.
  - c. Exception – Employees utilizing “Intermittent FML” leave and work twenty-four (24) hours or more, per week, shall receive full benefits and accrued leave.
5. Subject to the additions/exceptions contained in this policy, the leave request procedure shall be requested in the Human Resources Information System (HRIS).

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Family and Medical leave (FML)	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 4	

6. Exceptions to this provision may apply if certain business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination). Exceptions may also apply for certain highly compensated employees under certain conditions.
7. MCN reserves the right to initiate and designate FML upon notification by the employee or his/her representative of the qualifying medical event.


## Reasons for Taking Leave

1. Unpaid FML shall be granted for any of the following reasons:
  - a. To care for the employee's child after birth, or placement for adoption or foster care;
  - b. To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
  - c. For a qualifying serious health condition that makes the employee unable to perform his/her job.

## Advance Notice and Certification

1. The employee shall be required to provide thirty (30) days advance notice when the leave is "foreseeable".
2. The employee shall be required to provide medical certification to support a request for leave because of a serious health condition.
3. Management may require a second or third opinion, at MCN's expense, of the medical certification.
4. A doctor's statement or other documentation to verify an employee's ability to return to work shall be required for any employee who has taken three (3) or more consecutive days of FML for a personal serious health condition of the employee's which has prevented the employee from performing his/her job.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Family and Medical leave (FML)	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 4	

- Any employee that doesn't notify Human Resources for any foreseeable FML event can potentially be denied or delayed in receiving FML benefits.

## Job and Benefit Protection

- For the duration of the FML, the employee's health insurance shall be maintained. However, the employee to be responsible for the payment of monthly premiums for any additional coverage or elected dependent insurance coverage.
  - Failure to pay premiums will result in loss of insurance coverage.
- Upon return from FML, the employee shall be restored to their original or an equivalent position with equivalent pay and benefits.
  - Exception – If the employee's position is no longer available due to job elimination.
- The use of FML shall not result in the loss of any benefit that accrued prior to the start of the employee's leave.


## Use of Leave

- An employee is not required to use FML leave entitlement consecutively except for excluded events. Leave can be taken intermittently or on a reduced-leave schedule when medically necessary.
- FML runs concurrently with all other types of leave benefits.
- Employees are required to use accrued paid leave while taking FMLA leave prior to taking any unpaid leave of absence.

## Required Documentation

- Qualifying** – Employees must provide sufficient information to MCN to determine if the leave may qualify for FML protection, along with the anticipated timing and duration of leave.
- Filing requirements** – Employee must notify Human Resources and request FML paperwork as soon as possible or upon leave of five (5) days. FML documentation completed by physician is due back to HR in 15 business days.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits	Section 505	
	Family and Medical leave (FML)	Originated	09/01/2009
		Revised	09/22/2022
		Page 4 of 4	

3. **Return to Work** – A release from the Doctor must be submitted to HR prior to engaging in either full-time or part-time work. A full release is required at the conclusion of each FML event.

## Failure to Return from FML

1. If an employee does not return to work as agreed, unless other arrangements were made, he or she shall be considered to have resigned from MCN.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Insurance and 401K	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	

## Policy

### Health and Medical Insurance

An employee health and medical insurance plan, which includes dental, vision and prescription drug coverage, shall be offered to each regular full-time employee. Employees are eligible for the insurance plan on the first day of the month following their probation date.

1. Dependent coverage shall be offered on an optional basis to provide health and medical insurance for the employee's family as determined by the insurance carrier.
2. The election for dependent coverage shall be an employee responsibility.
3. Conditions of insurance coverage shall be governed by the insurance policy.
4. Human Resources (HR) shall administer the health and medical insurance program. Any employee desiring policy information, additions, deletions, coverage, forms, etc., shall contact HR for further direction. Failure to complete enrollment forms in a timely manner will result in the employee waiting until open enrollment to enroll in benefits. Unless the employee has a qualifying event.

### Life Insurance


A basic employee term life insurance plan shall be provided at **no cost** to each full-time regular employee on the first day of the month following their probation date.

1. Life insurance shall be provided in an amount equivalent to two (2) times an employee's wage or salary calculated on a per annum basis up to a maximum of one hundred thousand dollars (\$100,000).
2. Conditions of the insurance coverage shall be governed by the life insurance policy.
  - a. HR shall administer the Life Insurance Program.
  - b. An Accidental Death & Dismemberment provision shall be included.

### Disability Insurance

A short-term disability insurance plan shall be provided at no cost to each full-time employee on the first day of the month following their probation date.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Insurance and 401K		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	

1. Disability insurance benefits shall be calculated based upon one-half (1/2) the wage or salary of the employee, computed on a biweekly basis.
2. Eligibility for benefits shall begin once the employee has used all available sick leave.
3. Condition of the insurance coverage shall be governed by the insurance policy.
4. HR shall administer the Disability Insurance Program.

## Workers' Compensation

All employees and trainees, etc., shall be insured by Workers' Compensation.


1. All injuries shall be reported with the appropriate Incident/Accident report as referenced in the incident and accident report procedures.
2. HR shall administer the Workers' Compensation Insurance Program.
3. The procedure for Workers' Compensation shall be as follows:
  - a. All injuries occurring during hours of work shall be reported to HR within 10 days.
  - b. All reports (incident/accident, police reports, insurance reports...etc.) shall be directed to HR for processing.
  - c. Failure to report injury/file reports could result in denial of claim.

## 401k Plan

A 401k plan shall be made available for all full-time regular employees upon their completion of probationary period.

1. Each employee may contribute a portion of his/her salary each pay period; the maximum contributions allowed are based on annual limits set forth by the Internal Revenue Service (IRS).
2. As of April 1, 2012, new employees are subject to the following vesting schedule:
  - a. One (1) year of service – 25%


# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Insurance and 401K		Originated	09/01/2009
			Revised	09/22/2022
			Page 3 of 3	

- b. Two (2) years of service – 50%
  - c. Three (3) years of service – 75%
  - d. Four (4) years of service – 100%
- Exception:  
Elected or Appointed Officials are not subject to the vesting schedule.
3. No withdrawals shall be allowed unless an employee terminates (i.e., retirement, resignation or discharge. Lay-off or furlough does not qualify as terminated status).
    - Exception:  
Approval of a Hardship Withdrawal.
  4. An employee may stop making contributions or change their contributions amount at any time by contacting HR.
  5. Upon hire date, HR shall give eligible employees the necessary forms for joining the 401k plan.



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits	Section 505	
	Career Development	Originated	09/01/2009
		Revised	09/22/2022
		Page 1 of 3	


## Policy

The purpose of career development is to increase and encourage quality productivity and intellectual awareness, improve the job skills of an employee and to create an interest in higher education and in seeking a college degree. The granting of approval shall be contingent upon whether the desired certificate or degree shall contribute to the employee's performance of his/her job. The certificate or degree may be acquired through four (4) programs: college program, degree program, professional development program, and the tribal college program. Each year, a specified portion of the career development program account shall be dedicated to Career Development. Upon the exhaustion of the specified amount, no further approvals for the Degree Program shall be processed for the given year.

## Approval and Eligibility

1. Final approval for entrance into the Career Development Program shall be given by Human Resources (HR).
2. This program is offered to regular full-time employees of The Muscogee (Creek) Nation (MCN) upon completion of sixty (60) calendar days of uninterrupted service.
3. If requesting to enroll in Tribal College, a Tribal College Eligibility Form must be completed, with a class schedule attached, prior to enrollment.
4. With the exception of the Tribal College Program, a Career Development Plan Form must be completed, with a class schedule attached, prior to enrollment.
5. With the exception of the Tribal College Program, employees may only attend classes outside of their normal work hours or as listed in each program.
6. Employees doing course work while at work will be subject to disciplinary actions.
7. Degree or courses must be job related.
8. Employees may use annual leave to attend classes after 2 p.m.; however, the employee must claim annual leave through 5 p.m. or the end of his/her normal work time. The Tribal College Program is the exception to this rule.
9. To begin enrollment or obtain further information about career development contact HR.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Benefits		Section 505	
	Career Development		Originated	09/01/2009
			Revised	09/22/2022
			Page 2 of 3	


## Degree Program

1. This program offers a process through which an employee may complete a degree from an accredited institution.
2. A maximum of twelve (12) credit hours per year may be taken under this program. Reimbursement of up to one hundred twenty dollars (\$120) per credit hour and up to one hundred (\$100) per book per course may be acquired by submitting a Career Development Plan Form through Human Resource Information System (HRIS).
  - a. Employees must pay their tuition and books up front with reimbursement coming only upon the issuance of a grade report. An employee shall be reimbursed only for courses in which at least a 2.0 is obtained.
  - b. MCN will only reimburse cost outside of grants and scholarships.

## Professional / Job-Related Degree Program

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

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL


	Benefits	Section 505	
	Career Development	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 3	

4. For any college credit or non-credit courses a maximum of twelve (12) credit hours per year may be taken under this program. Reimbursement of up to one hundred twenty dollars (\$120) per credit hour and up to one hundred dollars (\$100) per book per course may be acquired by submitting a Career Development Plan Form through the appropriate management.
5. MCN will only reimburse costs outside of grants and scholarships.

## Tribal College Program

1. The objective of the Tribal College Program is to give employees the opportunity and encouragement to further their education.
2. Employees must provide a copy of at least a 2.0 grade report within two weeks from the end of the class term. If a copy is not received within this time, the employee may not be eligible for future enrollment with the Tribal College, and may be subject to a payroll deduction.
3. If an employee is required to have a book for class, the employee must complete a Career Development Plan Form along with a copy of a transcript or grade report and original paid receipt(s).
4. Employees may attend classes at 4 p.m. without claiming annual leave.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Glossary	
	Glossary	Originated
		09/01/2009
		Revised
		09/22/2022
	Page 1 of 5	

**Alcohol** – means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Alcohol Concentration** – means alcohol in a volume of breath as indicated by a breath or blood test.

**Budgeted position** – is defined as a position for which funds have been (1) authorized; (2) appropriated; (3) a budget issued. (All three (3) criteria must be satisfied before a position is filled).

**Business day** – means regular working day of the Nation, when the Nation’s offices and departments are open for regular operating hours and does not include weekends or holidays recognized by the Nation.

**Citizen** – means an enrolled member of the Muscogee (Creek) Nation that has obtained a Muscogee (Creek) Nation citizenship card.

**Compensatory time** – is defined as an arrangement by which eligible employees are entitled to time off in lieu of overtime pay.

**Confidential** – means information or document that may be subject to an evidentiary privilege or whose unauthorized disclosure is prejudicial to the interest of the Nation or of a personal nature.

**Controlled Substance** – is defined as cocaine, marijuana, opiates, amphetamines, and any other substance designated a “controlled substance” in schedules I through IV of Section 202 of the Controlled Substances Act ( 21 U.S.C. 812), means drugs or chemical substances which have been declared by MCN tribal law and/or Federal law to be illegal. Some controlled substances may be prescribed by a licensed health care provider.


**Conviction** – is defined as a finding of guilt (including judicial acceptance of a plea of nolo contendere) or imposition of a sentence, or both, by judicial body determining violations of federal or non-federal criminal drug statutes.

**Court** – means the District Trial Court of the Muscogee (Creek) Nation.

**Criminal Drug Statute** – is defined as a federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

**Diluted specimen** – means a urine specimen with a creatinine and specific gravity values that

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Glossary		
	Glossary	Originated	09/01/2009
		Revised	09/22/2022
		Page 2 of 5	

are lower than expected to be human urine.

**Employee** – is defined as all administrative and professional staff, classified staff, student trainees, and management personnel of the Muscogee (Creek) Nation and any independent agency, or division of the Nation.

**Excessive leave without pay** – is defined as the utilization of leave without pay, twice within a two (2) week period.

**Fit for duty** – means the capacity of an employee to safely and completely perform job duties.

**Human Resource Information System (HRIS)** – is defined as a software or online solution that is used for data entry, data tracking and the data information requirements of an organization's human resources (HR) management, payroll and bookkeeping operations.

**Illegal drugs** or intoxicating substances are those classified or scheduled drugs for which a criminal penalty can be incurred for use, sale or distribution. Ingesting legal substances such as inhalants, propellants, or volatile substances, for their intoxicating effects are included.

Illegal also means any drug:

- a. Which is not legally obtainable.
- b. Which may be legally obtained but has not been legally obtained.
- c. Which is being used in a manner or for a purpose other than prescribed.


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

**Impaired** – means when an individual’s motor senses (e.g., sight, hearing, balance, reaction, reflect, speech) or judgement either is, or may reasonably be presumed to be, affected by drugs or alcohol.

**Inhalants** – means breathable chemical vapors that are intentionally inhaled because of the chemicals mind altering effects.

**Invalid drug test** – means the results of a drug test for a urine specimen that contains an unidentified adulterant or interfering substance.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Glossary		
	Glossary	Originated	09/01/2009
		Revised	09/22/2022
		Page 3 of 5	

**Last Chance Agreement (LCA)** – Means an agreement provided to an employee in lieu of dismissal or discharge.

**Legal drugs** include alcohol and prescription medication which has not been prescribed for the employee, or has not been prescribed for the amount obtained by the employee, or is not being used at the dosage prescribed for the employee and has an intoxicating and/or potentially addicting effect.

Legal drugs also mean a prescribed drug or over the counter drug which has been legally obtained and is being used for the purpose for which it is prescribed or manufactured.

**Major Department Head** – is defined as the executive officer of a Department, Agency or other primary organizational unit within the government of the Muscogee (Creek) Nation.

**Medical Leave** – is defined as medical leave longer than three (3) days.

**Nation** – Means Muscogee (Creek) Nation.

**Non-citizen** – means any non-Native American or non-Muscogee (Creek) Nation citizen.

**Project Director** – is defined as an individual having administrative supervision over a project resulting from a federal grant or contract.

**Projected position** – is defined as those positions which are projected as a future need in an existing or new organization.

**Protected records** – means any record or part of any record containing data that is confidential and/or proprietary or otherwise protected by the FOIA Act.

**Public body** – means any administrative, advisory, executive, judicial or legislative office or body of the Muscogee (Creek) Nation, including without limitation, all agencies, independent agencies, boards, chartered communities, commissions, committees, special or advisory committees, corporations, departments, divisions, enterprises, entities and organizations.


**Public employee** – means all officials and employees of the Muscogee (Creek) Nation public bodies.

**Public record** – means any record that is not confidential, proprietary or otherwise protected and that is not exempt from disclosure as provided by the FOIA Act.

**Record** – means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or



# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Glossary	
	Glossary	Originated
		09/01/2009
		Revised
		09/22/2022
		Page 4 of 5

characteristics, which has been created or is being kept by public body. “Record” includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical discs. Record does not include medical records, hospital medical staff reports, law enforcement investigative files and names of confidential informants, scholastic records and adoption records, drafts, materials which are purely personal property of public employees and have no relation to his or her office; computer programs that are developed or purchased by or for any public body for its own use; notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary or any other body charged with quasi-judicial function; inter-office and intra-office electronic mail; text messages by mobile telecommunication devices; inter-branch document request and responses; all mail and all electronic mail address used in surveys of members of The Muscogee (Creek) Nation; any materials to which access is limited by copyright, patent, contractual agreement or bequest; books and other materials that are cataloged, indexed or inventoried and contain in the collections of libraries open to the public; and published materials in the position of a public body other than a public library.

**Refuse or refusal to test** – means a determination that an individual did one or more of the following:


- a. Refused to submit to a drug/alcohol test, failed to appear for testing, or displayed disruptive behavior during the collection process.
- b. Tampered with a sample to include adulteration, intentional dilution or substitution that is reported by the laboratory as an invalid drug test result.
- c. Failed to cooperate with the testing process, to include but not limited to leaving the testing area, not providing an additional specimen when required, and not following the collector’s instructions.
- d. Possessed item(s) that could be used to interfere with the testing process.

**Relative** – is defined as a father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, grandparent(s), grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step grandparent(s), step grandchild, half-brother, or half-sister.

**Safety sensitive positions** – means positions in which an employee’s primary job responsibility includes the following (a more comprehensive list is located in the Drug and Alcohol policy):

- a. Provides transportation.
- b. Operates MCN vehicles.
- c. Operates or performs maintenance of machinery or equipment.

# HUMAN RESOURCES POLICY AND PROCEDURE MANUAL

	Glossary		
	Glossary	Originated	09/01/2009
		Revised	09/22/2022
		Page 5 of 5	

d. Performs security, surveillance, or law enforcement duties.

**Sick leave abuse** – is defined as an occurrence when an employee uses sick leave for an unauthorized purposed or misrepresents the actual reason for charging an absence of sick leave. Abuse may occur when an employee establishes a pattern of sick leave usage such as the date before or after a holiday, on Mondays or Fridays.

**Substance abuse** – means a pattern of harmful use of any substance for mood altering purposes.

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

**Under the influence** – means exhibiting behaviors that interfere with the performance of job duties due to excessive or improper use of drugs and/or alcohol.

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

**Workplace** – is defined as a Muscogee (Creek) Nation owned or controlled property or the site for performance work.





# MUSCOGEE (CREEK) NATION

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

BILL S. FIFE  
PRINCIPAL CHIEF  
SHELLY STUBBS CROW  
SECOND CHIEF

For Immediate Release

April 25, 1994

## EXECUTIVE ORDER: 94-03

### "Personnel Policies and Procedures Manual"

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

## POLICY STATEMENT

### 1.00 PURPOSE AND SCOPE

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

### **B. Scope**

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

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

2.,.00

**POLICY**

- 2.01 The Personnel Policies and Procedures Manual dated April 25, 1994 is hereby adopted as the current revised version and is authorized to be issued immediately with the exception of Section 405, Chapter C - Leave Policies. The revised Leave Policies will become effective on October 1, 1994 (Note - § 405, Chapter C, Title 2, part (b) and Title 3, part (b) shall be effective immediately).
- 2.02 In those cases where administrative policy conflicts with applicable external regulations or policy, external regulations agreed to in writing by the tribal government shall apply.
- 2.03 Any part of this personnel and policies procedures manual may be waived by the Principal Chief, who, in exercising his Constitutional Power, in the best interest of the tribal government, is privileged to certain exceptions.

**3.00**

**POLICYMAKING ENTITY** - Personnel Services Administration - Created Duties

**3.01**

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

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

The Personnel Manager shall:

- A. **Be** responsible for the development of an efficient and effective system of personnel administration that meets the management needs of the various tribal agencies, departments, commissions, and boards;
- B. Prepare, maintain, and revise a classified system of employment designed to assure the impartial consideration of applicants for employment and to protect tribal employees from arbitrary dismissal or unfair treatment.
- C. Conduct an analysis of the position classification system and the rates of pay prevailing in the executive branch with the system and rates in the legislative and judicial branch and the public and private sectors for comparable jobs and report the findings to the Principal Chief and Speaker of the National Council no later than January 1 of each year. Such analysis shall include all forms of compensation including fringe benefits;

- D. Develop a program for the recruitment of qualified persons, including the administration of valid job-related nondiscriminatory selection procedures providing for competitive examinations when practical and for reasonable selection criteria when competitive examinations are not practical;
- E. Develop and implement a reasonable and expeditious method for referral of capable candidates for vacancies, probationary periods of employment, and the employment of individuals on other types of appointments as necessary;
- F. Assist tribal agencies in implementing their duties and obligations pursuant to these policies and procedures;
- G. Develop in cooperation with other entities, a training program, a recruitment program, and a system of performance appraisals;
- H. Establish leave and pay regulations, regulations for performance pay increases, rates for differentials, on-call pay, and other types of pay incentives and salary adjustments;
- I. Prepare and submit an annual budget covering the costs of administering the personnel program.
- J. Make an annual report regarding the work of the Personnel Services Administration.
- K. Adopt and implement rules and regulations necessary to perform the duties imposed by law.

#### 4.00 **EXECUTIVE AUTHORITY**

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

### **DEFINITIONS**

"Absence without leave<sup>o</sup>" means any absence of an employee from duty without specific authorization.

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

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

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

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

"Classification Plan" means the orderly arrangement of positions within an agency into separate and distinct classes so that each class will contain those positions which involve similar or comparable skills, duties and responsibilities.

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

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

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

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

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

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

"Executive Office - Chief of Staff" and/or "Chief of Staff" means Executive Office of the Principal Chief - Chief of Staff; formerly referred to as Executive Director.

**"FLSA"** means the federal Fair Labor Standards Act.

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

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

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


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

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

### **DISTRIBUTION**

- 6.01 Copies of this Executive Order shall be distributed to all branches of government, independent agencies, and to Division Directors.
- 6.02 Copies of the Personnel Policies and Procedures Manual shall be distributed to all Division Directors, the Judicial Branch, appropriate independent agencies, and to the National Council.

Directed to be implemented by:

  
Bill Fife, Principal Chief

4-25-94  
Date

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MUSCOGEE (CREEK) NATION  
FULL **TIME** SCHEDULE  
Effective 10/0112010

	Step 1	Step 2	Step 3	Step4	Step 5	Step6	Step 7	Step 8	Step 9	Step 10
SG6			10.1500 21,112.00	10.4500 21,736.00	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80
<b>SG 7</b>	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13,2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60
<b>SG 8</b>	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40
SG 9	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16,7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80
<b>SG10</b>	15.3200 31,865.60	15.7800 32 822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40 372.80	19.9900 41,579.20
<b>SG 11</b>	17.2400 35,859.20	17.7600 36,940.80	111.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80
SG 12	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00
<b>SG 13</b>	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40
<b>SG 14</b>	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60
<b>SG 15</b>	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20
<b>SG 16</b>	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60
<b>SG 17</b>	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79 747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60

APPROVED

DATE: 10/01/2010

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

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
<b>MG 1</b>	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40
<b>MG2</b>	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80
<b>MG 3</b>	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20
<b>MG4</b>	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80
<b>MG5</b>	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00
<b>MG6</b>	21.8500 <b>45,448.00</b>	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40
<b>MG7</b>	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60
<b>MG8</b>	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20
<b>MG9</b>	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60
MG 10	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60
MG 11	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60	47.1400 98,051.20	48.5500 100,984.00	50.0100 104,020.80	51.5100 107,140.80
MG 12	44.4400 92,435.20	45.7700 95,201.60	47.1400 98,051.20	48.5500 100,984.00	50.0100 104,020.80	51.5100 107,140.80	53.0600 110,364.80	54.6500 113,672.00	56.2900 117,083.20	57.9800 120,598.40
<b>MG 13</b>	50.0100 104,020.80	51.5100 107,140.80	53.0600 110,364.80	54.6500 113,672.00	56.2900 117,083.20	57.9800 120,598.40	59.7200 124,217.60	61.5100 127,940.80	63.3600 131,788.80	65.2600 135,740.80
<b>MG14</b>	56.2900 117,083.20	57.9800 120,598.40	59.7200 124,217.60	61.5100 127,940.80	63.3600 131,788.80	65.2600 135,740.80	67.2200 139,817.60	69.2400 144,019.20	71.3200 148,345.60	73.4600 152,796.80

APPROVED: \_\_\_\_\_

DATE: 10/01/2010



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

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
<b>HG6</b>			10.1500 21,112.00	10.4500 21,736.00	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80
<b>HG?</b>	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60
<b>HG 8</b>	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40
<b>HG 9</b>	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 <b>35,859.20</b>	17.7600 36,940.80
<b>HG 10</b>	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20
<b>HG 11</b>	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80
<b>HG12</b>	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00
<b>HG 13</b>	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40
<b>HG14</b>	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60
<b>HG 15</b>	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20
<b>HG 16</b>	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60
<b>HG17</b>	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	<b>44.4400</b> 92,435.20	45.7700 95,201.60

APPROVED, \_\_\_\_\_

DATE: 10/01/2010



**NCA 20-017**

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW CHAPTER 9, ENTITLED "FREEDOM OF INFORMATION ACT" IN MCNCA TITLE 37 "TRIBAL GOVERNMENT"**

**Be it enacted by the National Council of the Muscogee (Creek) Nation:**

**SECTION ONE. Findings. The National Council finds that:**

A. The Muscogee (Creek) Nation believes in the importance of having an informed citizenry and finds that it is vital that Muscogee (Creek) citizens be entitled to information pertaining to the affairs of its government.

B. In order to provide as much transparency as possible and honoring the rights of Muscogee (Creek) citizens to obtain information, there is a need to establish law regarding citizens' access to the Nation's public records in order to present guidelines governing the disclosure of governmental information.

**SECTION TWO. NEW LAW.** The following new law shall be codified in Title 37 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

**TITLE 37. TRIBAL GOVERNMENT**

**CHAPTER 9. FREEDOM OF INFORMATION ACT**

**§ 9-101. Short title and codification**

This Act shall be known and may be cited as the Muscogee (Creek) Nation Freedom of Information Act ("FOIA") and shall be codified as Chapter 9 in Title 37, "Tribal Government" of the Muscogee (Creek) Nation Code Annotated.

**§ 9-102. Purpose**

The purpose of the Chapter is to ensure equal access to public records by Muscogee (Creek) citizens.

**§ 9-103. Definitions**

A. "Business day" means regular working day of the Nation when the Nation's offices and departments are open for regular operating hours and does not include weekends or holidays recognized by the Nation.

8. "Citizen" means an enrolled member of the Muscogee (Creek) Nation that has obtained a Muscogee (Creek) Nation citizenship card.

C. "Confidential" means information or documents that may be subject to an evidentiary privilege or whose unauthorized disclosure is prejudicial to the interest of the Nation or of a personal nature.

D. "Court" means the District Trial Court of the Muscogee (Creek) Nation.

E. "Nation" means Muscogee (Creek) Nation.

F. "Non-citizen" means any non-Native American or non-Muscogee (Creek) Nation citizen.

G. "Protected records" means any record or part of any record containing data that is confidential and/or proprietary or otherwise protected by this Act.

H. "Public body" means any administrative, advisory, executive, judicial or legislative office or body of the Muscogee (Creek) Nation, including without limitation, all agencies, independent agencies, boards, chartered communities, commissions, committees, special or advisory committees, corporations, departments, divisions, enterprises, entities and organizations.

I. "Public employee" means all officials and employees of the Muscogee (Creek) Nation public bodies.

J. "Public record" means any record that is not confidential, proprietary or otherwise protected and that is not exempt from disclosure as provided in this Act.

K. "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by public body. "Record"

includes, but is not limited to; handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical discs. "Record" does not include medical records, hospital medical staff reports, law enforcement investigative files and names of confidential informants, scholastic records and adoption records; drafts; materials which are purely personal property of public employees and have no relation to his or her office; computer programs that are developed or purchased by or for any public body for its own use; notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary or any other body charged with quasi-judicial function; inter-office and intra-office electronic mail; text messages by mobile telecommunication devices; inter-branch document requests and responses; all mail and all electronic mail addresses used in surveys of members of the Muscogee (Creek) Nation; any materials to which access is limited by copyright, patent, contractual agreement or bequest; books and other materials that are catalogued, indexed or inventoried and contained in the collections of libraries open to the public; and published materials in the position of a public body other than a public library which are available for sale or which are available for inspection at a public library.

#### **§ 9-104. Establishment of FOIA**

It is the official policy of the Muscogee (Creek) Nation that all citizens shall have access to the public records of the Nation's departments and programs and other records, including, but not limited to, resolutions, ordinances, minutes, all transactions involving loans, description of tribal lands, the leasing and exchanging of tribal lands and records regarding any tribal contractor.

#### **§ 9-105. Access to Public Records**

A. Unless a public record is exempt from disclosure under § 9-107. of this chapter, a citizen or public employee has a right to inspect, copy or receive copies of a public record of a public body.

B. Non-citizens, excluding public employees, shall not have access to public records except upon written permission of the Office of the Attorney General.

#### **§ 9-106. Public Records**

A. The following records are public except to the extent that they contain information expressly permitted to be treated as protected as provided for in § 9-107.

1. Job titles, job descriptions and business addresses and telephone numbers;
2. Administrative staff manuals and statements of policy and procedure that affect a member of the public;
3. Laws;

4. Bylaws and charters of any public body;
5. Final opinions, including concurring and dissenting opinions, and orders that are made by a government body in an administrative, adjudicative or judicial proceeding except that if the proceedings were properly closed to the public, the opinion may be withheld to the extent that they contain information that is protected;
6. Final interpretations of statutes or rules by a public body;
7. Written planning policies and goals and final planning decisions;
8. Information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;
9. Minutes of proceedings of public bodies and the votes in the proceedings, excluding executive sessions;
10. All audio recordings of public meetings or public portions of meetings;
11. Reports which disclose the nature, substance and location of any emergency or crime or alleged crime reported to a law enforcement or public safety agency; provided however, that where a report contains information that is not a public record or is exempt from disclosure, the law enforcement or public agency may delete that information from the report;
12. Judicial records unless the Court orders the record to be restricted or unless the records are protected by this chapter;
13. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
14. Search warrants after execution and filing of the return, except that, for good cause, a court may order restricted access to search warrants prior to trial;
15. Correspondence by and with a public body in which the public body determines or states an opinion upon the rights of the Nation, the public or any person except that which constitutes an attorney-client privilege with a public body;
16. Records filed with or maintained by public bodies that evidence incorporations, corporation or business entity names or name changes and uniform commercial code filings;
17. Documentation of the compensation that a nonbusiness public body pays or has paid to a contractor or private provider;
18. Information received in response to an invitation for bids or request for proposals after a contract is awarded if the contract is a nonconstruction contract, except that proprietary information may be redacted;
19. Information received in response to an invitation for bids or request for proposals after bids have been opened and before a contract is completed if the contract is a construction contract, except that proprietary information may be redacted;

20. Records documenting a contractor's or private provider's compliance with the terms of a construction contract or original bid requirements of a construction contract with the public body;
21. Records documenting a contractor's or provider's compliance with the terms of a nonconstruction contract or original bid requirements of a nonconstruction contract with the public body except:
  - a. Confidential and/or proprietary information in attorney contracts or billing statements;
  - b. Professional service contracts where descriptions of service contain confidential information, then only the general terms of the contract are public and the protected sections must be segregated;
22. Contracts, excluding personal addresses, social security numbers and employer identification numbers, entered into by a nonbusiness public body subject to the provisions of this section;
23. Any voucher, contract or account information, except account numbers, that deal with the receipt or expenditure of funds by a nonbusiness public body;
24. Data on an individual that would otherwise be protected under this chapter if the individual who is the subject of the record has been given the public body signed and notarized written permission to make the records available to the public; and
25. Final audits of a public body.

#### **§ 9-107. Protected Records**

- A. A public body may exempt from disclosure the following information:
  1. Records dealing with internal matters of a relatively trivial nature for which there is no legitimate public interest or benefit. This exemption is applicable when it would impose an administrative burden on the public body to process the request; Examples may include:
    - a. Leave slips, time records and attendance sheets;
    - b. Messages on voice mail or other telephone message storage and retrieval systems;
    - c. Electronic (email) messages; and
    - d. Calendars and schedules;
  2. Information or records specifically protected from disclosure by the Nation's law or applicable federal law including common law privileges of confidentiality. This includes but is not limited to records protected by the Health Insurance Portability and Accountability Act ("HIPPA"), the

HIPPA Security Rule, provisions in MCNCA Title 6. Children and Family Relations, Title 7. Citizenship, Title 16. Executive Branch, Title 18. Education, Title 20. Elderly Services, Title 21. Gaming, Title 22. Health and Safety, Title 26. Judicial Branch/Courts, Title 27. Judicial Procedures and Title 31. Tribal Officers and others;

3. Information of a personal nature, including without limitation marital status, payroll deductions, performance evaluations or personal status information, such as race, religion or disabilities, enrollment number, social security number, personal address, personal telephone number and employment, education, housing assistance, Human Services programs and medical records if disclosure of the information would constitute an unwarranted invasion of an individual's privacy. However, all citizens and public employees shall have access to their personnel records maintained by the Nation or department or program thereof upon written request;
4. Items which the Cultural Center Archives and Historic and Cultural Preservation Departments and Council House determine are too fragile to be handled or copied;
5. Information that would reveal the location of archeological or culturally significant sites;
6. Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys and security procedures, to the extent that the records relate to the ongoing security of a public body;
7. Computer software or other documents subject to copyright protection;
8. Confidential and proprietary information collected by a public body in the performance of its investigative or regulatory functions;
9. Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas or processes, which are used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities which are generally recognized as confidential, and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning and marketing studies and evaluation and other materials which contain references to potential customers, competitive information or evaluation;
10. Proposals and bids for any contract or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the Nation, until an award or final selection is made and after deletion of portions which are exempt from disclosure under this

- act. Information prepared by or for the public body in preparation of a bid solicitation shall be exempt until an award or final selection is made;
11. A record of a public body or its fiduciary agents that discloses deliberations about, or a tentative or final decision on, investments or other financial matters is exempt from the disclosure requirements of this section, to the extent and so long as disclosure would jeopardize the ability to implement an investment or financial decision, or to execute the program or plan to achieve investment, financial, plan or program objectives;
  12. Memoranda, correspondence, documents and working papers relative to efforts or activities of a public body to attract business or industry to invest within the Nation;
  13. Records of a public body's audit agency regarding an ongoing or planned audit until the final audit is released;
  14. Documents of, and documents incidental to, a proposed RFP, bid, contractual arrangement or proposed sale or purchase of real property; however:
    - a. These documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;
    - b. A contract for the sale or purchase of real property shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts for sale or purchase where the execution of the deed occurs within twenty-four **(24)** months from the date of the sale or purchase;
    - c. Confidential proprietary information provided to a public body for economic development or contract negotiation purposes is not required to be disclosed;•
  15. Information that is part of negotiations in a proposed land purchase by the Nation until that land purchase is completed;
  16. Contracts or other agreements which specifically prohibit disclosure of the content of the agreement to third parties;
  17. Records to which access is restricted pursuant to court rule or as a condition of participation in a state or federal program or for receiving state or federal funds;
  18. Records from a public body's executive session or other non-public meeting;
  19. Inter-office communications relating to proposals or matters which have not been introduced for consideration in a public meeting. This includes:



- a. Inter-office memorandums, personal notes, drafts, communications with staff and other records which relate to ongoing matters or works in progress currently being performed;
  - b. Records relating to the subject of an ongoing investigation; or
  - c. Records relating to proposals which did not result in legislation;
20. The identity, information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation by a public body; provided, however, that if the complaint or information is used in a prosecution in a judicial or quasi-judicial proceeding, this subsection shall not preclude the defendant's due process rights to confront and examine the complainant and witnesses;
21. Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:
- a. Interfere with law enforcement proceedings;
  - b. Deprive a person on the right to a fair trial or impartial administrative adjudication;
  - c. Constitute an unwarranted invasion of personal privacy;
  - d. Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source;
  - e. Disclose law enforcement investigative techniques or procedures; or
  - f. Endanger the life or physical safety of law enforcement personnel;
22. Privileged attorney-client information or attorney work product. This privilege may be waived by the client who created the attorney-client relationship, and if a waiver of the privilege is made, the records shall be made public;
23. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the Nation's Court in civil, criminal and family trials if the records or inspection thereof were sought in the course of a court proceeding;
24. Drafts or prior versions of a final record. Only public records in their final form are available for disclosure under the provisions of this chapter;
25. Information and records that disclose an account number used for payment or collection of money;
26. Tax information of a public body except as determined by the Attorney General;

27. Information relative to the identity of the maker of a gift to a public body if the maker specifies that his or her making of the gift must be anonymous and this his or her identity must not be revealed as a condition of making the gift. With respect to the gifts, only information which identifies the maker may be exempt from disclosure;
28. All salary compensation paid by public bodies to individuals by authorized positions as classified by the Nation's laws or Executive or Legislative Human Resources or Personnel Policies and Procedures. The Annual Budget shall contain such position listings without the names of the individual holding such positions;
29. Financial records of the Nation's casinos;
30. Information that the Attorney General is prohibited from disclosing: A) because of a duty to the client under the Nation's Rules of Evidence or the Nation's Rules of Professional Conduct for Attorneys; or 8) by a court order that prohibits the disclosure of the information;
31. Unpublished memoranda, working papers and correspondence of the Principal Chief, members of the National Council, District Court and Supreme Court Justices and the Attorney General; and
32. If any public record contains materi\_al which is not exempt under this section, the public body shall separate or redact the exempt and nonexempt material and make the nonexempt material available in accordance with the requirements of this chapter.

**§ 9-108. Procedures for requesting public records**

- A. Citizens requesting public records from a public body shall either:
  1. Provide a written request, which must include the date, name, address, telephone number and signature of requesting citizen, and copy of citizenship card; or
  2. Complete form provided by public body with all required information and submit a copy of citizenship card.
8. A request may be made by facsimile, email or other electronic transmission and a response may be made through the same electronic medium.
- C. The costs \_assessed on records after the first twenty-five (25) pages for a hard copy and after the first one hundred (100) pages for an electronic copy shall not exceed twenty-five cents (\$.25) per page of the record, provided the copies requested do not exceed standard legal size or require special equipment to scan or copy. A reasonable charge for oversize copies may be assessed. However, members of the National Council shall receive copies of records or documents at no charge from public bodies when their requests pertain to their legislative duties.

1. Records shall be furnished at the lowest possible cost to the person requesting the records while ensuring that the requester pays for the searching and copying of the record and to not have the public body bear the cost of searching and copying.
2. When appropriate, records may be furnished without charge or at a reduced charge if the public body determines the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.
3. Fees may not be charged for examination and review to determine if the documents are subject to disclosure.
4. Nothing in this sub-section prevents a public body from charging a reasonable hourly rate for making records available to the public or from requiring a reasonable deposit of these costs before searching for or making copies of the records.

D. Upon the receipt of a written request for access to records, the public body shall immediately provide a copy of the request to the Office of the Attorney General for informational purposes; and respond to the request within twenty (20) business days by doing the following:

1. Granting the request in accordance with that public body's policies and procedures;
2. Issuing a written notice denying the request and listing the specific reason(s) for the denial and a statement that the requester has the right to file a petition in the Nation's Court for an order releasing the record within ninety (90) days from the date of the request denial;
3. Granting the request for access in part and issuing a written notice denying request in part and listing specific reason(s) for the partial denial, including any decision to redact portions of the record sought and a statement that the requester has the right to file a petition in the Court for an order releasing the record within ninety (90) days from the date of the request denial;
4. Notifying the requester in writing that it does not maintain the record and providing, if known, the name and address of the public body that maintains the record;
5. Issuing a notice extending, for not more than twenty (20) business days, the period during which the public body shall respond to the request. The public body shall not issue more than one extension per request;
6. Returning the written request due to request being incomplete, along with a letter of explanation regarding what information is incomplete and what information is required to process the request; or
7. Failure to timely respond with one of the responses under this subsection shall be deemed to be a denial of the request.

E. A public body is not required to create a record in response to a request. However, upon request, a public body shall provide a record in a particular format if the public body is able to do so without unreasonably interfering with the public body's duties and responsibilities.

F. Nothing in this subsection requires a public body to fulfill a person's request if the request exceeds two prior requests for the same records from that person.

G. Each public body shall keep a copy of written request for public records on file for no less than one (1) year.

#### **§ 9-109. Information Officer**

A. The Attorney General shall either employ or designate an employee within the Office of the Attorney General as an Information Officer who will be responsible for facilitating, gathering, tracking and responding to FOIA requests pursuant to the requirements herein. The Information Officer shall also serve as a liaison to citizens seeking information and all other related duties, as assigned.

B. No part of the section shall be construed such that the Information Officer is responsible for fulfilling FOIA requests, as each public body shall designate an employee or employees to fulfill said requests. It shall be incumbent upon the public body to which the request is addressed to fulfill the requirements of the request.

C. The Information Officer shall:

1. promulgate a standardized form for requesting public records, which shall be available in every public office of the Nation;
2. publish and disseminate, by any means, digital and printed materials in order to educate public bodies and the public about the FOIA and its compliance requirements; and
3. deliver monthly reports to the National Council regarding the number of FOIA requests and other statistical information.

#### **§ 9-110. Denial of record request**

Any citizen receiving a notice of denial of a record request may challenge the denial by making a claim for record access in Court within ninety (90) days from the denial date.

#### **§ 9-111. Claims in the Court**

A. The Claimant shall follow the Tribal Court Proceedings of the Court for filing a claim.

B. The Court, upon de nova review and without a jury, shall determine whether a public record is exempt from, disclosure. Only the Court has jurisdiction for such determination.

C. The Court, on its own motion, may view the public record in controversy in private before reaching decision.

D. If the Court determines that the decision to deny disclosure in whole or part was clearly erroneous, arbitrary or capricious, the Court shall order disclosure of the public record only to the extent the Court determines the public record to be not exempt.

E. An action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

F. A final decision of the District Court may be appealed to the Supreme Court of the Muscogee (Creek) Nation pursuant to MCNCA Title 27, § 3-101 et seq.

#### **§ 9-112. Civil Penalties**

A. A public employee who has lawful access to any protected record under this Act, who intentionally discloses or provides a copy of a protected record to any other person not entitled to lawful access is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00).

B. A public employee who has lawful access to any public or protected record under this Act, who intentionally destroys a record or intentionally causes a record to be lost without authorization in accordance with the retention policy of the public body is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00).

C. It is a defense to a civil action under subsection A. of this section that the public employee released protected information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office or misappropriation of public funds or property.

D. A public employee who by false pretenses, bribery or theft gains access to or obtains a copy of any protected record to which he or she is not legally entitled to is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) or more than Five Thousand Dollars (\$5,000.00). No public employee or person shall be subject to civil penalties who received the record, information or copy after the fact and without prior knowledge or participation in the false pretenses, bribery or theft of the record.

E. Any public employee who intentionally refuses to release a record knowing its disclosure is required by final order of the Court, or if appealed by the order of the Nation's Supreme Court, it is subject to civil penalties of not less than One Thousand Dollars (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00)

F. Any public employee who fails to comply with the provisions of § 9-108. D. of this chapter shall be subject to a fine up to Fifty Dollars (\$50.00) per business day after the response or document delivery is due, and ending the day of the document(s) or response is delivered. It is a defense to a civil action under this subsection that failure to comply with § 9-108.D. was a direct result of written communication from a person serving in, or representing a position of supervisory or administrative authority over the public employee.

G. Any elected or appointed official, or any exempt employee who orders or otherwise directs an employee of the Nation to violate the provisions of this Act shall be subject to a fine of up to One Hundred Dollars (\$100.00) per business day beginning the day after the response or document delivery is due, and ending the day the document(s) or response is delivered.

H. It is prohibited, as misuse of public funds, for any person, public employee, elected official or appointed official to use the Nation's resources to pay fines, attorney fees, costs or expenses awarded by the Court against the person in their individual capacity, an employee in their capacity or an official in their individual capacity pursuant to this Act.

### **§ 9-113. Disclosure of protected records**

A. Upon request, protected records will be available for disclosure, as follows:

1. Information shall be available for criminal and civil law enforcement for prosecution purposes, internal audit and as a result of court order for Congressional subpoena;
2. Information relating to an individual shall be available to the individual who is the subject of the record, or if the subject of the record is a minor, the information shall be available to the parent or legal guardian, or if the subject of the record is mentally incompetent, the information shall be available to the legal guardian subject to verification of any applicable court order;
3. Individual records may be released to third parties with written prior consent, by means of a notarized release of the individual who is subject of the records, or his or her legal guardian if a minor or deemed mentally incompetent in a court of competent jurisdiction;

4. Individual records may be used for statistical and other purposes; provided that any information which could be used to identify specific individuals is removed or withheld;
5. Protected records may be disclosed to law enforcement agencies, an agency of the United States with authority over the subject matter, or if applicable, the State of Oklahoma or if authorized by agency rule, a regulatory agency of the Nation.

B. Before releasing a protected record, the public body shall obtain evidence of the requester's identity by government-issued photo identification.

C. Before releasing a protected record, the public body shall inform the requester that he or she is prohibited from disclosing or providing a copy of the protected record to any other person and shall obtain the requester's written acknowledgment of this prohibition.

#### **§ 9-114. Privacy of driver's license information**

A. A public body may not sell, provide or furnish to a member a person's height, weight, race, social security number, photograph or signature in any form that has been compiled for the purpose of issuing special identification cards or completing an application for specific program requirements.

B. A person's height, weight, race, photograph, signature and digitized image contained in an application request or special identification card are not public records.

C. Notwithstanding another provision of law, a private person or private entity may not use an electronically-stored version of a person's photograph, social security number, height, weight, race or signature for any purpose, when the electronically-stored information was obtained from a program application, special identification card or driver's license record.

#### **§ 9-115. Use of information for commercial solicitation prohibited**

A public record and any information in a public record may not be used for commercial solicitation except as approved by the National Council by Tribal Resolution. Any person or entity who used public records or information therein for commercial solicitation without the National Council's approval, and any person who assists such person knowing of their intent to use the record information for commercial, may be fined in an amount not to exceed Five Thousand Dollars (\$5,000.00) per violation provided, however, this provision must not be interpreted to restrict access by members to information contained in public records.

§ 9-115. Federal laws

Various administrative policies have adopted or may adopt the Federal laws regarding access to records and privacy. This Act applies to specifically identified tribal records. All federal records such as federal lease contracts and other federal records and files maintained by the Muscogee (Creek) Nation are subject to the applicable federal laws governing the access of federal records.

**§ 9-116. Record requests between public bodies**

This Act shall not restrict or limit the exchange of the Nation's government documents by interbranch document request or department-to-department requests for information. Public record requests apply to requests made by the citizens as defined in this Act, but do not apply to the exchange of government documents between the public bodies.

**SECTION THREE. RETENTION POLICY.** In the event a public body does not have a retention policy, that public body shall establish a retention policy within ninety (90) days of enactment of this law.

**SECTION FOUR. EFFECTIVE DATE.** This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

**ENACTED** by the Muscogee (Creek) National Council on this 23<sup>rd</sup> day of July, 2020.

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

A handwritten signature in black ink, reading "Randall Hicks", is written over a horizontal line. A vertical line extends upwards from the right end of the horizontal line.

Randall Hicks, Speaker  
National Council  
Muscogee (Creek) Nation



**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **23<sup>rd</sup>** day of **July, 2020** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **2<sup>nd</sup>** day of **April**, **2020** to the above Law, **NCA 20-117** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief  
Muscogee (Creek) Nation





# TELEWORK AGREEMENT

1. Prior to signing this telework agreement, the Manager and employee will discuss:
  - a. Office procedures (reporting of duty, procedures for measuring and reviewing work, time and attendance and procedures for maintaining office communication)
  - b. Safety, technology and equipment requirements.
  - c. Performance expectations.
2. This serves as living agreement that the below signed employee and The Muscogee (Creek) Nation (MCN) are entering into a mutual agreement to provide telework alternatives to the Employee.
3. Voluntary Participation: Employee voluntarily agrees to work at the approved alternative workplace identified below and to follow all applicable policies and procedures. Employee recognizes that the telework arrangement is not an employee entitlement but an additional method to accomplish work.
4. Length of Agreement: Employee and Office/Program agree that this agreement will expire upon the specified time period unless otherwise stated by the Manager or Authorized designee. Either the employee or the manager can cancel the telework agreement. When possible, advance written notice should be provided. Management will terminate the telework agreement should the employee's performance or conduct not meet the prescribed standard or the teleworking arrangement fail to meet MCN needs. If an extension of time is required, a new agreement will be made at that time.
5. Ad Hoc Arrangements: Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, business travel or state of emergencies. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
6. Official Duties: Unless otherwise instructed, Employee agrees to report log on and off times as requested and to perform official duties only at the regular office or agency-approved alternative workplace. Employee agrees not to conduct personal business while in official duty status at the alternative workplace.
7. Work Schedule and Hours: Program/Office and Employee agree the employee's official work will be as stated in the attached work schedule along with the statement of duties. Employee agrees to work flexible schedules as projects or needs arise and services are needed. This agreement may be modified as necessary, but are subject to MCN procedures and approval. Please attach the work schedule with this agreement.
8. Employee will not work in excess of prescheduled hours. (overtime, holiday work, etc.) unless the employee receives permission from the Manager. By signing this form, the employee acknowledges that failure to obtain proper approval may result in cancellation of the telework agreement and may also include appropriate disciplinary action.
9. If telework employee is unable to work due to illness or dependent care responsibilities, the employee must take appropriate leave. Supervisors on a case-by-case basis may excuse the employee for

circumstances such as power failure or weather related emergencies. Telework employees may be required to return to the regular worksite on scheduled telework days based on operational needs.

10. Leave: Employee agrees to follow established office procedures for requesting and obtaining approval of leave and comply with MCN normal paid leave policies.
11. Equipment/Supplies: Employee agrees to protect any Muscogee (Creek) Nation-owned equipment and to use the equipment for official business purposes only. If employee terminates their employment, all equipment must be returned to MCN.
12. Security: If Muscogee (Creek) Nation (MCN) provides computer equipment for the alternative workplace, Employee agrees that normal security requirements will still be in effect at alternate workplace. Security requirements and other restrictions will be maintained by Employee.
13. The employee agrees to comply with the terms of computer software license and copyright agreements, computer virus and protection requirements and procedures.
14. Work Assignments/Performance: Employee agree to complete all assigned work according to procedures mutually agreed upon by the Employee and the supervisor and according to guidelines and standards in the Employee performance plan. The Employee agree to provide regular reports if required by the supervisor to help judge performance. The Employee understand that a decline in performance may be grounds for canceling the Telework agreement.
15. The telework employee will apply safeguards to protect MCN records from unauthorized disclosure or damage and will comply with Privacy act requirements and MCN Confidential Information policy.
16. MCN will not be responsible for operating, maintenance or any other cost associated with the use of the employee's residence. MCN is not liable for damages to an employee's personal or real property while the employee is working at home.
17. Standards of Conduct: Employee agrees he or she is bound by MCN Standards and Attendance as defined under Section 503 of the Human Resource Policy and Procedure Manual while working at the alternative worksite.
18. Extension or Revisions: The terms of this agreement will remain in place as stated in the agreement, unless otherwise stated by Management. If revisions are necessary to alter alternative worksite location or work schedule, a bilaterally approved amendment will be completed by both the Program/Office and the Employee.
19. Cancellation: MCN reserves the right to cancel the telework arrangement at any time and instruct the Employee to resume working at the regular home office prior to the expiration in the agreement. Every effort will be made to provide 10 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.
20. Other Action: Nothing in this agreement precludes The MCN or the Employee's supervisor from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this agreement.



Muscogee (Creek) Nation

## TELEWORK AGREEMENT FORM

1. EMPLOYEE NAME (Print)		2. EMPLOYEE NUMBER	
3. OFFICIAL JOB TITLE		4. DEPARTMENT	
5. REGULAR OFFICIAL WORKSITE (Full address)		6. ALTERNATE WORKSITE ADDRESS (Full address)	
7. ALTERNATE WORKSITE TELEPHONE NUMBER		8. ALTERNATE WORKSITE EMAIL ADDRESS	
9. TELEWORK ARRANGEMENT IMPLEMENTATION DATES		10. SCHEDULE	
START (MM/DD/YYYY)	END (MM/DD/YYYY)	<input type="checkbox"/> FIXED	<input type="checkbox"/> FLEXIBLE
11. TELEWORK ARRANGEMENT			
<input type="checkbox"/> REGULAR AND RECURRING <input type="checkbox"/> SITUATIONAL			
SCHEDULE: _____ Number of days per week			
_____ Days of the week (e.g., Mon, Wed, Fri)			
12. CONTINUITY OF OPERATIONS DURING EMERGENCY SITUATIONS			
Employee is expected to telework for the duration of an emergency pursuant to: 1) policy and Procedure; 2) a pandemic; 3) when the regular worksite is closed or closed to the public due to natural or manmade emergency situations (e.g., tornado, snowstorm, act of terrorism, etc.); or 4) when MCN offices are open with the option for unscheduled telework when weather conditions make commuting hazardous, or similar circumstances compromise employee safety. Employees unable to work due to personal situations (e.g., illness or dependent care responsibilities), must take appropriate leave (e.g., annual or sick). If the worksite is closed or closed to the public, the employee may utilize other leave or when authorized by the administration may utilized leave authorized. Other circumstances that may prevent an employee from working (e.g., power failure) at the telework site please contact your Manager immediately.			
13. EMPLOYEE SIGNATURE		14. DATE (MM/DD/YYYY)	
15. MANAGER OR AUTHORIZED MANAGEMENT OFFICIAL		16. DATE (MM/DD/YYYY)	

# TELEWORK

## SAFETY CHECKLIST

<b>EMPLOYEE NAME (Print)</b>	<b>EMPLOYEE NUMBER</b>	<b>EMPLOYEE PHONE NUMBER</b>	
<b>SAFETY FEATURE</b>		<b>YES</b>	<b>NO</b>
1. Temperature, ventilation, lighting, and noise levels are adequate for maintaining a home office		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
2. Office (including doorways) is free of obstructions to permit visibility and movement.		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
3. Electrical equipment is free of recognized hazards that would cause physical harm (exposed or loose wires, loose fixtures, bare conductors, frayed wire)		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
4. Electrical system allows for grounding and electrical equipment.		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
5. File cabinets and storage closets are arranged so drawers and doors do not enter into walkways.		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
6. Phone lines, electrical cords, and surge protectors are secured under a desk or alongside a baseboard.		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
7. Office space is free of excessive amounts of combustibles, floors are in good repair and carpets are well secured.		<input style="width: 40px; height: 20px;" type="checkbox"/>	<input style="width: 40px; height: 20px;" type="checkbox"/>
<b>I verify that this checklist is accurate and that my home is reasonably safe place to work</b>			
<b>8. EMPLOYEE SIGNATURE</b>		<b>9. DATE</b>	

## EQUIPMENT CHECKLIST

EMPLOYEE NAME	DEPARTMENT	PHONE NUMBER	EMPLOYEE NUMBER
EQUIPMENT	OWNERSHIP MCN OR PERSONAL	MCN IDENTIFICATION NUMBER OR SERIAL NUMBER	RETURNED YES OR NO
Employee Signature		Date	
Manager Signature		Date	