



PUEBLO OF LAGUNA PERSONNEL POLICIES AND PROCEDURES MANUAL



Effective 2/1/17

Pueblo of Laguna



Workforce Excellence



Vision Statement

We are a workforce passionately pursuing excellence. We are one heart, one mind, honoring and reinvigorating the Laguna way of life.

Laguna Core Values

*Love One Another
Respect One Another
Self Discipline
Obedience*

Workforce Values

Responsibility – We are true to our obligations and honor our commitments.
We seek guidance when confused and help one another succeed.

Learning – We respect the many sources of knowledge.
We seek to develop and apply our personal and professional skills.
We unselfishly share what we are learning.

Embrace Change – We embrace new concepts, build on success, and make positive change to benefit the community we serve.
We welcome creativity and innovation.

Effective Communication – We openly communicate and embrace the different views as sources of strength and knowledge.

Excellence – We set high standards for achievement while striving to develop our capacities.

Customer Focus – We provide the highest level of service, with respect and commitment in all that we do for you.

Celebration – We celebrate organizational success while honoring individual contributions.

IN REMEMBRANCE

The Workforce Excellence (WE) message that inspires Pueblo of Laguna employees each day was created by a former employee.

An enormous amount of pride, respect and loyalty went into the efforts that employees applied when the WE concept was originated.

Today the WE concept and defined values are astutely displayed within a traditional design created by Euila Nunez.

In remembrance of Euila, we recognize her contribution, dedication and talent for placing our WE values in a design that represents the Pueblo of Laguna.



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Chapter 1 - General Provisions

1. Purpose

The Pueblo of Laguna Personnel Policy and Procedure Manual is designed to assist the Pueblo to achieve a uniformed personnel management system that provides fair and equitable treatment to all employees while providing maximum service to the Pueblo of Laguna members.

2. Application

The Pueblo of Laguna Personnel Policy and Procedure Manual applies to all employees of the Pueblo of Laguna government, regardless of funding source or employment status, except where they are specifically excluded in these policies. The policies in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind between the Pueblo of Laguna and any of its employees. By accepting employment with the Pueblo of Laguna, an employee is consenting to the application of any policy as approved by the Pueblo of Laguna Council.

Procedures

- A. Upon hire, the Pueblo of Laguna Human Resources Office or their designee shall make all personnel policies and procedures available to an Introductory employee through this policy manual.
- B. All employees shall acknowledge receipt of the policy manual. The acknowledgement will be kept on file in the Human Resources Office.
- C. All personnel policies and procedures will be available to employees in hard copy in the Human Resources Office.
- D. All personnel policies and procedures will be electronically available to employees through the Pueblo's computer network.

3. Exceptions to Application

The Pueblo of Laguna Personnel Policy and Procedure Manual shall serve as the foundation of personnel management for the Pueblo. Any applicable requirements that are a condition of the funding source shall control when in conflict with this Personnel Policy and Procedure Manual.

4. Amendments

The Pueblo of Laguna Council reserves the right to amend, supplement or rescind any policy contained in this manual. Such amendments, supplements or rescissions will be approved by the Pueblo Council, in accordance with current requirements and executed by the Human Resources Manager. Pueblo of Laguna employees will be notified in a timely manner regarding any Pueblo Council approved changes prior to the change effective date or as directed by the Council. The Human Resources Manager may make non-substantive changes, including but not limited to, typographical errors, grammatical errors, and/or document formatting errors.

5. Consent to Pueblo Jurisdiction

As reflected in the Pueblo of Laguna Constitution and the Pueblo of Laguna Code regarding jurisdiction, by accepting employment with the Pueblo of Laguna, all individuals thereby submit to the jurisdiction of the Pueblo of Laguna. All matters arising out of, or connected with employment at the Pueblo of Laguna, and which occur within the territorial or subject matter jurisdiction of the Pueblo, are subject to the jurisdiction of the Pueblo of Laguna.

6. Approval Authorities

The Pueblo of Laguna requires that only authorized managers and their formal delegates approve personnel actions. These internal controls ensure that only legitimate and appropriate actions are executed as intended.

Procedures

- A. The Pueblo Council approves the administrative organizational structure of the Pueblo of Laguna.
- B. Unless otherwise stated, personnel policy and procedure approval authority will follow the chain of command within each Council approved department.

7. Authority for Procedure Development

Procedures associated with the Personnel Manual policies shall be developed and maintained by the Human Resources Manager. Changes to procedures associated with any policy shall be effectively communicated and provided to all employees within five (5) business days. Procedures shall not be effective until employees are provided with applicable changes.

8. Workforce Excellence (WE)

The Pueblo of Laguna began a strategic plan in 2012 to have employees in the workforce assess the government operation to identify and strengthen self-sufficiency. The plan enabled the employees to focus on identifying past and present government accomplishments. Employees agreed to strengthen future planning within the Pueblo's programs to build capacity and maintain momentum. The progressive efforts of the employees resulted in the development of the Workforce Values.

Ultimately, employees envisioned that the combination of the Laguna Core Values and the Workforce Values would continue to protect the Pueblo's culture and embrace progressive growth for the Pueblo. Dynamics of the work done by the employees began with reflection of the Pueblo's Vision Statement:

We are a workforce passionately pursuing excellence. We are one heart, one mind, honoring and reinvigorating the Laguna way of life.

This statement progressed the workforce to develop Laguna Core Values that lists the following:

Laguna Core Values
Love One Another
Respect One Another
Self-Discipline
Obedience

Workforce Values

Responsibility – We are true to our obligations and honor our commitments. We seek guidance when confused and help one another succeed.

Learning – We respect the many sources of knowledge. We seek to develop and apply our personal and professional skills. We unselfishly share what we are learning.

Embrace Change – We embrace new concepts, build on success, and make positive change to benefit the community we serve. We welcome creativity and innovation.

Effective Communication – We openly communicate and embrace the different views as sources of strength and knowledge.

Excellence – We set high standards for achievement while striving to develop our capacities.

Customer Focus – We provide the highest level of service, with respect and commitment in all that we do for you.

Celebration – We celebrate organizational success while honoring individual contributions.

Chapter 2 - Employment Practices

1. General Employment Practices Policy

The Pueblo of Laguna will practice employment preference in accordance with Pueblo of Laguna laws, applicable federal laws and applicable state laws, and grant/contract/funding source requirements or regulations. Individuals interested in seeking employment with the Pueblo of Laguna will be considered eligible in accordance with approved employment practice policies and applicable requirements.

Consistent with the principles of Indian Self-Determination, the following policies shall apply:

2. Equal Employment Statement

The Pueblo of Laguna shall comply with all applicable laws that govern the employment relationship between the Pueblo and its employees. Consistent with the provisions of applicable laws and policies, the Pueblo of Laguna will not discriminate against any applicant or employee in recruitment, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, or because of race, color, creed, sex, age, physical handicap, religion, national origin, disability, or sexual orientation. Exceptions include a disabling condition that would prevent an individual from performing a required task associated with a particular position. Disabled individuals meeting minimum qualifications are eligible for employment with the Pueblo of Laguna on the same basis as non-disabled individuals.

3. Laguna Preference/Indian Preference

The 1964 Civil Rights Act VII (42 USC 2000e2(i)), allows private and governmental employers on or near a Federal Trust Indian Reservation to exercise Indian Preference in employment. It is the policy of the Pueblo of Laguna to give preference to any qualified person who is enrolled as a member of a federally recognized tribe. In accordance with the sovereign powers to regulate activities within its jurisdiction, the Pueblo of Laguna affords preference in hiring and promoting in the following manner:

A. Positions approved as Non-Exempt Status:

- 1) First Preference: Any applicant, who is a member of the Pueblo of Laguna, meets the minimum qualifications as identified in the job description and in accordance with the provisions of Chapter 3, Recruitment and Selection;
- 2) Second Preference: Any applicant, who is a naturalized member of the Pueblo of Laguna, meets the minimum qualifications as identified in the job description and in accordance with the provisions of Chapter 3, Recruitment and Selection;
- 3) Third Preference: Any applicant, who can provide documented evidence of membership within a federally recognized Tribe/Pueblo/Nation, meets the minimum qualifications as identified in the job description and in accordance with the provisions of Chapter 3, Recruitment and Selection; and

- 4) Fourth Preference: All other applicants that meet the minimum qualifications as identified in the job description and in accordance with the provisions of Chapter 3, Recruitment and Selection.

B. Positions approved as Exempt Status:

- 1) First Preference: Any applicant whose qualifications meet or exceed the minimum qualifications as identified in the job description and in accordance with the provisions of Chapter 3, Recruitment and Selection; and
- 2) In the event an applicant who is a member of the Pueblo of Laguna, as defined in this policy, and is determined to be equally qualified as the most qualified applicant interviewed, preference will be afforded to the Pueblo of Laguna member over all other applicants that are not members of the Pueblo of Laguna.

Chapter 3 - Recruitment and Selection

1. General Recruitment and Selection Policy

The Pueblo of Laguna promotes hiring the best qualified candidates in order to provide quality services to the members of the Pueblo of Laguna. The Pueblo of Laguna also promotes employment opportunities for qualified Laguna members and other qualified Native Americans.

2. Nepotism

No person shall be hired, promoted, demoted transferred or reassigned to a position, which requires the employee to directly supervise or be directly supervised by an immediate family member. For the purposes of this policy, immediate family member is defined as: natural and/or legally defined spouse, mother, father, sister, brother, child, and individuals who cohabitate in the same residence regardless of relation.

Procedure

- A. In the event employees become related after employment and a conflict such as described in the policy is created; or, if a redesign of a department and/or program creates such a conflict, ninety (90) calendar days will be allowed to resolve the matter voluntarily or by a change of supervision or Change of Assignment of one of the employees.
- B. Employees and Executive Staff who are related to affected employees shall refrain from influencing all actions having to do with such family members.
- C. All applicants shall indicate on the official application form whether they are related to any employee. This information will be used to determine possible conflicts of interest involving the position. If an applicant knowingly answers questions untruthfully concerning the relationship, and this fact later becomes known, the employee may be subject to disciplinary action.

3. Advertising of Vacant Positions

The Human Resources Office shall be responsible for the maintenance, posting, advertising and distribution of all job vacancy announcements. Appropriate posting timeframes will be used and the Human Resources Office will ensure appropriate recruiting techniques for each position are used with the intention of reaching the maximum number of qualified candidates and attracting the best qualified candidates.

Procedure

- A. Each job vacancy announcement shall specify the job title, classification, compensation, program, department, supervisor, position summary, essential duties and responsibilities, minimum qualifications, education, experience requirements, suitability requirements, the closing date, Laguna Preference information, and any documentation that the applicant is required to submit.
- B. Supervisors shall complete a Vacant Position Announcement Form to initiate the posting of vacant position(s). The form shall include the following:
 - 1) Position Information;
 - 2) Department and Program Information;
 - 3) Accounting Verification of funding source;

- 4) Program Staffing Review determination; and
- 5) Job Description Rewrite information.
- C. Non-Exempt positions shall be posted internally for a period of at least seven (7) business days. Following the seventh (7th) business day, if the supervisor deems additional recruitment is required, the position shall be posted externally and internally concurrently.
- D. Exempt positions shall be posted internally and externally concurrently for a period of at least seven (7) business days.
- E. Temporary positions shall be posted externally for a period of at least five (5) business days.
- F. Emergency Temporary positions shall not be required to be advertised.
- G. Job Vacancy announcements shall, at a minimum, be posted in Pueblo offices and on the official Pueblo of Laguna website.
- H. The immediate supervisor and the Human Resources Office shall determine and establish an appropriate timeframe that meets the minimum posting requirements identified in this policy.
- I. Within the posting timeframes, the Human Resources Office will promote and ensure suitable recruiting methods are used in order to attract qualified applicants.
- J. In the event a position is posted and there are no qualified applicants, the position will be posted a second time. In the event there are no qualified applicants during the second posting, the position will be posted as open until filled.

4. Emergency Temporary Hires

In the event a Program is in need of an emergency temporary hire, the Program must demonstrate, through a documented justification to the COO at least one of the following:

- A. The temporary position is necessary in order to continue necessary program operations;
- B. The temporary position is necessary in order to maintain essential client services; or
- C. The temporary position is necessary in order to alleviate extreme understaffing issues within the program.

No emergency temporary hires shall be hired for a period longer than 120 days.

Procedure

- A. Supervisors shall complete a Vacant Position Announcement Form to initiate an emergency temporary position(s). The form shall include the following:
 - 1) Position Information;
 - 2) Department and Program Information;
 - 3) Accounting Verification of funding source;
 - 4) Approved documented justification must be attached to the VPA Form
- B. An individual who is being considered for an emergency temporary position, unless otherwise stated, is subject to the provisions of Chapter 3 – Recruitment and Selection.

5. Application for Employment

All individuals applying for employment shall complete an official Pueblo of Laguna employment application form. The application form will solicit information from the applicant relating to education, experience, training, residence and other pertinent information.

Procedure

- A. Applicants must ensure that applications are hand delivered, mailed, or electronically mailed to the Human Resources Office by 11:59pm on the closing date specified on the job vacancy announcement.
- B. It is the applicant's responsibility to confirm the receipt of their employment application and supporting documents in the Human Resources Office.
- C. Applicants will be required to sign the application, which includes a statement that they are certifying to the truth and accuracy of all information provided.
- D. The Human Resources Office will consider the application to be incomplete if the applicant fails to provide a valid signature. In the event an electronically submitted application does not have a signature, the Human Resources Office must receive the original application, with signature, prior to the onset of the background investigation process.
- E. The Human Resources Office will consider an application to be incomplete if information has been left blank. The Human Resources Office will not send incomplete applications to the hiring authority for consideration.
- F. The Human Resources Office will accept applications for consideration when they are submitted in response to a specific job vacancy announcement.
- G. Applications not submitted in response to a specific job vacancy announcement shall be kept on file with the Human Resources Office for a period of six (6) months after the date of receipt.
- H. To receive full credit for education, certification, or licensure, the applicant must submit unofficial transcripts, copies of degrees, certificates, and other required documentation identified in the job vacancy announcement. The Human Resources Office must receive these documents prior to the onset of the background investigation process.
- I. Any misrepresentations, falsifications, or material omissions on the employment application, or any other materials used in the recruitment and selection process, may result in the exclusion of the individual from further consideration for employment for that position; or if the individual has been hired, the individual may be subject to disciplinary action.

6. Applicant Evaluation

All applicants will be evaluated by the Human Resources Office. The Office will use the same criteria and procedures to evaluate each applicant. The criteria are designed to inform the Office on the abilities of the applicant for the position. Evaluating factors include training or education, job related experience, previous job performance, background investigations, job-related testing or examinations, oral interviews and suitability.

Procedure

- A. The Human Resources Office will screen and certify all applications submitted for a job vacancy announcement.
- B. Applicants not meeting the minimum qualifications for the position shall not be considered for a position.
- C. Applicants meeting the minimum qualifications shall be considered for a position except in the following circumstances:
 - 1) Applicants who have been considered unsuitable for the position through information provided in the employment application, a background investigation, and/or other documented information resulting in a determination by the adjudication process that the applicant is unsuitable for the position; and

- 2) Applicants who have given false or incomplete information, used unfair influence, or in any way failed to compete fairly for the position.
- D. In the event there are qualified Laguna member applicants who applied for non-exempt positions, all other non-Laguna's will not be considered for interview.
- E. In the event more than ten (10) applicants are considered for a position, the Human Resources Office and the immediate supervisor will determine the ten (10) most qualified applicants for interview. The remaining applicants will not be considered.
- F. In the event the position is posted as open until filled and none of the applicants meet the minimum qualifications, applicants who do not meet the minimum qualifications shall be considered for the interview process.
- 1) If an applicant who does not meet the minimum qualifications is selected for a position, a Professional Development Plan shall be developed and submitted with applicant's offer of employment.
- G. In the event more than one qualified applicant has applied for an emergency temporary position, all qualified applicants shall be considered for the interview process.
- H. In the event job related testing and/or evaluations are required during the interview, the Human Resources Office will ensure such mechanisms are administered to each applicant prior to offer of employment.

7. Interviews / Selection

The Pueblo of Laguna shall interview qualified applicants for each open position using the same interview methods. All interviews will be structured to provide each applicant with an equal opportunity. All interviews shall be conducted by an Interview Committee who will make a recommendation for hire to the hiring authority. The hiring authority shall make the final determination during the selection process.

Procedure

- A. The Human Resources Office shall coordinate and make interview arrangements with applicants and the Interview Committee.
- B. The Interview Committee at a minimum shall include the immediate supervisor of the position, the supervisor's immediate supervisor, and a Human Resources Office representative.
 - 1) In the event any of the aforementioned persons is unavailable to serve on the committee, the affected individual shall designate another individual with like duties and responsibilities to serve on the Interview Committee.
- C. For positions supervised by Elected Officials, the Human Resources Office will coordinate the Interview Committee with the affected Official.
- D. The Human Resources Office shall provide copies of all applications and applicable documentation to the Interview Committee for review.
- E. All applicants designated for interview shall be interviewed and evaluated using the same process, experience, and qualification criteria, which may include, but not limited to job related questions, testing and/or evaluations.
- F. Supervisors are responsible for creating interview questions. Interview questions shall require review and approval by the Human Resources Office prior to the interview.
- G. Hiring Authority
 - 1) The Department Director, or equivalent level position, shall have hiring authority of all hires within their respective department;

- 2) The Chief of Operations (COO) shall have hiring authority of all hires within the COO's office and of all Department Directors reporting directly to the COO;
 - 3) The Chief Financial Officer (CFO) shall have hiring authority of all hires within the CFO's office and of all Department Directors reporting directly to the CFO;
 - 4) The Pueblo Council shall have hiring authority for the COO and Chief Financial Officer (CFO) positions;
 - 5) The Governor, Treasurer and Secretary shall have hiring authority for all positions within their respective offices; and
 - 6) Other positions may be subject to hire as defined by Pueblo of Laguna Law.
- H. The Interview Committee will make a determination of the hire using the Recommendation for Hire form.
 - I. After interviews, continued advertising may be considered if the supervisor provides documented justification detailing the reasons for not selecting the interviewed candidates.
 - J. Upon completion of the interview process, job related testing and preliminary background investigation, the Interview Committee shall evaluate all applicants uniformly.
 - K. For evaluation, the Interview Committee shall match applicant data and known information with the skills and qualities identified during the recruitment and selection process.
 - L. The Interview Committee shall interview candidates and may recommend a top candidate and alternates in the order of rated qualifications and applicable preferences to the appropriate hiring authority.
 - M. The Interview Committee shall document the results of the evaluation on the Recommendation for Hire Form and forward it to the Human Resources Office for processing.
 - N. The completion of the Introductory Employment Status Period is the final step in the Selection process.

8. Background Investigations

Background Investigations will be conducted on applicants and current employees. The Pueblo of Laguna will conduct, and / or will use a third party to conduct background investigations in accordance with applicable laws, regulatory timelines or operational procedures. Depending upon the position, the applicant or employee shall be required to submit to varying levels of investigation determined by the Pueblo's Suitability policy.

Procedure

- A. The Pueblo of Laguna conducts background investigations on all new employees in accordance with Public Law 101-630, as amended, The Indian Child Protection and Family Violence Prevention Act, Section 408 and 25 CFR Part 63, and any other Federal Regulation deemed applicable to respective positions.
- B. The Human Resources Office shall be responsible for conducting and/or securing all background investigations.
- C. The Human Resources Office shall maintain a database of all positions and the types of background investigations required for each position.
- D. Employment in any position with the Pueblo of Laguna is contingent upon the results of background investigation.
- E. Results of the background investigations shall be used to determine the employee's suitability for employment and/or continued employment.

- F. The Human Resources Office shall be responsible for conducting and/or securing periodic background investigation of current employees and determining the frequency for such.
- G. The background investigation will be obtained at the expense of the Pueblo of Laguna.
- H. Unless previously approved by the Human Resources Manager, individuals may not provide background information from other sources in lieu of a background investigation initiated by the Pueblo of Laguna.
- I. All background investigation information gathered will be treated as confidential and will become a part of the confidential personnel file.
- J. In the event a background investigation produces results that would deem an applicant unsuitable, the Human Resources Office will notify the applicant of the results and provide a copy of the results, if requested.
- K. In the event background investigation results are questionable, the Pueblo's adjudicator shall make a final determination in suitability of the applicant in accordance to the adjudication process.

9. Suitability

A suitability determination is the process of deciding whether a person is or is not suitable for employment with the Pueblo of Laguna based on the presence or absence of one or more specific factors. Suitability refers to identifiable character traits, current and past conduct, which is sufficient to determine whether an individual is likely or unlikely to be able to carry out the duties and responsibilities of the position with appropriate efficiency and effectiveness. Suitability also refers to statutory or regulatory requirements, which if not met, may prevent the lawful employment of the individual into the position and / or continuation of funding by the funding agency.

A certified adjudicator shall make determinations regarding suitability of an individual for employment in all positions. Each applicant will be subject to suitability determination by using a background investigation process. The level of review will be based on the level of public trust associated with the job position.

Every position must be designated at a position risk level commensurate with the public trust responsibilities and attributes of the position. The suitability risk levels are ranked according to the degree of adverse impact that an unsuitable person could cause. There are three suitability position risk levels; High Risk Public Trust (HRPT) positions; Moderate Risk Public Trust (MRPT) positions; and Low Risk Public Trust (LRPT) Positions. Every position within the Pueblo will be designated as a HRPT, MRPT or LRPT level position. The Human Resources Office is responsible for maintaining the risk level designation for all job positions.

Procedure

- A. High Risk Public Trust Positions (HRPT)
 - 1) High Risk Trust Positions involve duties especially critical to the Pueblo, and its department and/or program missions with broad scope or policy or program authority, such as:
 - a) Policy development and implementation duties;
 - b) Higher level management assignments;
 - c) All law enforcement duties
 - d) Duties requiring regular contact with children;
 - e) Duties requiring provision of medical care;
 - f) Duties demanding a significant degree of public trust;

- g) Duties involving access to or operation or control of financial records, proprietary information, personal financial records, classified/confidential information, ability to disburse funds, and any position with a significant risk for causing damage or realizing personal gain; and
- h) Spokespersons and non-management positions with authority for independent actions.
- 2) Positions involving a higher degree of public trust generate a more thorough investigation and suitability criteria. In addition to the provisions of the Pueblo's Adjudication Policy, a High Risk Public Trust Position shall not be filled by any person having a:
 - a) A conviction in any jurisdiction involving any crime of moral turpitude that occurred within the past fifteen (15) years. Moral turpitude is defined as a crime where the perpetrator has committed a reprehensible act with knowledge and intent.
 - 1. Violent crimes of moral turpitude include crimes with a presence of unjustified violence or unnecessary endangerment of human life, and include murder, voluntary manslaughter, rape/sexual assault, spousal abuse, child abuse, incest, kidnapping, robbery, aggravated assault, aggravated battery, and animal fighting.
 - 2. Property crimes of moral turpitude are crimes involving malicious or intentional destruction of property because of the presence of criminal intent, and includes crimes such as burglary, embezzlement, extortion, blackmail, theft, bribery, obtaining property under false pretenses, forgery, larceny, receiving or transporting stolen goods, conspiracy, and any crime in which fraud is an ingredient.
 - 3. Inchoate crimes of moral turpitude also include any attempt or acting as an accessory to a crime if that crime involved moral turpitude.
 - b) Lawful requirement to ever register as a Sex Offender pursuant to any state, tribal, or federal Sex Offender Notification and Registration Act.
- B. Moderate Risk Public Trust Positions (MRPT)
 - 1) Such positions involve duties with significant program responsibilities and delivery of services, including services to the public, such as:
 - a) Assistance in policy development and implementation; mid-level management assignments;
 - b) Non-management positions with authority for independent or semi-independent action; or
 - c) Delivery of service positions that demand public confidence, confidentiality, or trust.
 - 2) In addition to the provisions of the Pueblo's Adjudication Policy, Moderate Risk Public Trust Position shall not be filled by any person having a:
 - a) Felony conviction involving property crimes of moral turpitude or involving inchoate property crimes of moral turpitude;
 - b) Felony conviction involving violent crimes of moral turpitude or inchoate violent crimes of moral turpitude for the past ten (10) years; or
 - c) Current lawful requirement to register as a Sex Offender pursuant to any state, tribal, or federal Sex Offender Notification and Registration Act;
- C. Lower Risk Public Trust Positions (LRPT)

Involve duties of limited relation to the department or program mission, with program responsibilities that affect the efficiency of the service. Lower Risk Public Trust Positions shall be adjudicated in accordance with the provisions of the Pueblo's Adjudication Policy.

10.Adjudication

The Human Resources Office will identify and utilize a qualified adjudicator for all suitability determinations. Adjudication is deemed as the action that takes place to determine the suitability of employment based on the results of a comprehensive background investigation conducted through the use of private information, both favorable and unfavorable. Each investigation will be adjudicated to protect the interests of the Pueblo, its members, and the rights of applicants, existing employees, volunteers and contractors. The adjudicator may consider additional factors, to the extent they are relevant, if deemed pertinent to the individual case, but such factors shall not circumvent the requirements identified below.

Procedure

- A. The adjudicator will consider the following in making suitability determinations. They make take into consideration:
 - 1) Personal and/or professional conduct that would create a risk of danger or loss of the Pueblo based on the job responsibilities of the position in which the person has applied or is employed; and
 - 2) Criminal arrest and/or convictions that would create a risk of danger or loss to the Pueblo based on the job responsibilities of the position in which the person has applied or is employed.
- B. When adjudicating the findings of a background investigation, the adjudicator shall consider all acquired information and assess the information in terms of accuracy, completeness, relevance, seriousness, overall significance and how similar cases have been handled in the past.
- C. The adjudicator must review the background investigation results to determine the character, reputation, trustworthiness and in some cases, physical aptitude for the position.
- D. At a minimum, the adjudicator must review and evaluate:
 - 1) The application for employment of an applicant, employee, volunteer or contractor;
 - 2) The background investigation results;
 - 3) The results of written record searches requested from applicable law enforcement agencies, regulatory agencies, former employers, former supervisors, and employment or educational references;
 - 4) If applicable, the results of any fingerprint charts maintained by the Federal Bureau of Investigation; and
 - 5) If applicable, the results of required physical evaluations.
- E. Relevancy is a key objective in evaluating investigative data. The adjudicator must consider prior conduct in light of:
 - 1) The nature and seriousness of the conduct in question, in relation to the job duties of the applicant, employee, volunteer or contractor;
 - 2) The circumstances surrounding the conduct in question, and the amount of time that has passed since the incident;
 - 3) The age of the individual at the time of the incident;
 - 4) Societal conditions that may have contributed to the nature of the conduct;
 - 5) The probability that the individual will continue the type of behavior in question; and
 - 6) The individual's commitment to rehabilitation and a change in the behavior in question.

11.Pre-Employment Drug and Alcohol Testing

All applicants who are being considered for employment with the Pueblo of Laguna will be subject to pre-employment drug and alcohol testing prior to being hired. The Pueblo of Laguna will not employ persons who use illegal/prohibited drugs or abuse drugs or alcohol.

Procedure

- A. The Human Resources Office shall provide information regarding the pre-employment drug/alcohol testing process to the applicant through the employment offer.
- B. Employment in any position with the Pueblo of Laguna is contingent upon the results of the pre-employment drug/alcohol test.
- C. The Human Resources Office shall receive the results of the testing and must review the test results before proceeding to the next phase of the recruitment and selection process.
- D. Applicants who refuse to be tested in accordance within the timeframes directed by the Human Resources Office, fail to report to a scheduled testing appointment or test positive for illegal/prohibited drugs and/or alcohol shall not be hired.
- E. In the event the pre-employment drug/alcohol test produces positive results for an applicant, the applicant will not be hired.
- F. The Human Resources Office shall notify the applicant of the results and provide a copy of the results, if requested.
- G. If test results are invalid, the applicant must retest the next business day. If the second test results are also invalid, the applicant will not be hired.
- H. If the applicant is able to provide proof from a medical professional substantiating an invalid sample, they may be hired. Proof must be received within three (3) business days after the second test.

12.Physical Examinations

The Pueblo of Laguna may require applicants and employees in applicable positions to possess and maintain the minimum physical qualifications necessary to perform essential duties of their respective position. Applicants and employees may be required to submit to physical examinations during the recruitment process or throughout employment.

Procedure

- A. The Human Resources Office shall be responsible for coordinating and/or securing all physical examinations.
- B. The Human Resources Office shall maintain a database of all positions and the types of physical examinations required for affected positions.
- C. If the Human Resources Office requires a physical examination, employment in any affected position with the Pueblo of Laguna is contingent upon the results of the physical examination.
- D. Results of the physical examination shall be used to determine the employee's suitability for employment.
- E. For certain applicable positions where minimum physical qualifications are necessary to perform the essential duties of the position, the Human Resources Office shall coordinate and/or secure physical examinations and receive the results prior to employment.

- F. All information gathered will be treated as confidential. The physical examination record and medical information of applicants will become a part of the confidential personnel file of that individual.
- G. The physical examination will be obtained at the expense of the Pueblo of Laguna.
- H. Applicants must take a physical examination within three (3) business days after the request is made from the Human Resources Office.
- I. In the event the applicant does not meet the minimum physical qualifications necessary for the required position, the applicant will not be eligible for hire.
- J. The Human Resources Office will notify the applicant of the results and provide a copy of the results, if requested.
- K. In the event physical examination results are questionable, the Pueblo's adjudicator shall make a final determination regarding the suitability of the applicant during the adjudication process.

13. Offer of Employment

The Pueblo of Laguna Human Resources Manager shall have the sole authority to officially offer employment for all positions within the Pueblo of Laguna. All individuals selected for hire by the hiring authority shall be provided with a documented offer of employment. Employment terms shall be negotiated by the Human Resources Manager in consultation with the Department Director and final approval by the Chief of Operations.

Procedure

- A. After the hiring authority has selected an individual for hire, the Human Resources Manager shall contact the individual to offer employment.
- B. The Human Resources Manager shall not offer employment if selection was done contrary to the recruitment and selection provisions.
- C. The offer of employment letter shall contain specific reference to any contingent factors for employment including but not limited to:
 - 1) Position Title;
 - 2) Supervisor;
 - 3) Potential Employment Start Date;
 - 4) Introductory Period criteria;
 - 5) Background Investigation instructions;
 - 6) Drug Screening instructions;
 - 7) If applicable, Physical Examination instructions;
 - 8) If applicable, Employment Agreement; and
 - 9) If applicable, other applicable employment criteria.

Chapter 4 – Job Descriptions

1. Job Descriptions

The Pueblo of Laguna shall develop and maintain job descriptions for each established and authorized position. Job descriptions will describe the essential duties and responsibilities and minimum qualifications required for the position. Information from job descriptions will be utilized in determining job classification, recruitment and selection, wage and compensation administration, training and development, and performance evaluation planning.

The Pueblo of Laguna shall identify and analyze each position within the Pueblo's governmental structure and provide competitive compensation for all positions. The Human Resources Office shall ensure equitable administration of wages through the position's job description and compensation administration policies.

Each job description will be developed as a new position is created, approved on a regular basis or modified as the position becomes vacant. The Human Resources Manager shall work with management to ensure accuracy of job descriptions. Job descriptions shall contain, at a minimum, the following:

- A. Position Title
- B. Classification
- C. Salary Range
- D. Department
- E. Supervisor
- F. Position Summary
- G. Essential Duties and Responsibilities
- H. Minimum Qualifications
- I. Knowledge, Skills, Abilities
- J. Physical Demands
- K. Work Environment Details

Procedure

- A. When creating a new position or preparing to post an already approved position, a job description shall be developed by the immediate supervisor. The supervisor shall conduct a job analysis by considering the following:
 - 1) Scope of Work of the position
 - 2) Goals and Objectives of the program
 - 3) Qualifications necessary to perform the duties of the position
- B. The supervisor shall initiate amendments to the job description and shall consult with the Human Resources Office for assistance and feedback.
- C. Once the supervisor has completed the amendments to the job description, the Human Resources Office shall review the job description to determine wage and grade classification.
- D. The development and reviewing processes outlined above shall be repeated until a consensus is reached between Human Resources and the supervisor of the position.

Chapter 5 - Job Classification

1. General Job Classification Policy

Although not bound by the Fair Labor Standards Act (FLSA), the Pueblo of Laguna, as a general policy, looks to the FLSA as a guide for establishing and maintaining the Pueblo's categories of employment; however, this policy does not waive the Pueblo of Laguna's sovereignty.

2. Introductory Employment Status Period

The Pueblo of Laguna will require employees entering into a new position to complete a period of employment that allows an evaluation of their skills, abilities, performance, and competence within the new work environment. The Introductory Employment Status Period (IESP) will be a minimum of ninety (90) calendar days, but may be longer or extended dependent upon the demands of the position or the successful demonstration of the skills, abilities, performance and competencies required by the position. An employee may be terminated, without cause, at any time during the IESP and is not eligible to grieve the termination.

Procedure

- A. The immediate supervisor shall determine the length of the IESP during the selection process and shall indicate the length on the Recommendation for Hire Form.
- B. During the IESP, employees will be eligible for certain leave benefits as defined in Chapter 7, Benefits.
- C. The employee shall receive information related to their position during the first week of employment. This information includes, but is not limited to:
 - 1) Personnel Policy Manual;
 - 2) The employee's job description;
 - 3) Performance evaluation criteria;
 - 4) Performance requirements and standards required to obtain a successful performance evaluation; and
 - 5) Applicable Standard Operating Procedures.
- D. If a supervisor terminates an employee during the IESP, the supervisor is required to consult with the Human Resources Office to initiate the termination.
- E. The supervisor must complete a performance evaluation within ten (10) business days after the end of an employee's IESP.
- F. If a supervisor recommends the IESP be extended, the supervisor shall determine the length of the extension and indicate the reason for the extension.
- G. If the extension is to address performance deficiencies, the supervisor shall provide the employee with a Performance Improvement Plan (PIP).
- H. If any IESP is interrupted by an employee's approved absence, of more than ten (10) cumulative business days, the IESP shall be extended by the number of calendar days the employee was absent.
- I. Any IESP employee may bring employment concerns to the attention of the Human Resources Office through Conflict Resolution.
- J. Current employees who are in an IESP in a new position retain all prior benefits.
- K. An employee who is terminated during their IESP shall not be eligible for PTO payout.

3. Regular Employment Status

- A. REGULAR employment consists of continuous and scheduled employment, which is expected to continue for a period of more than six (6) months. REGULAR employment can be considered FULL-TIME or PART-TIME.
- B. REGULAR FULL-TIME employees are employees who are not in a temporary status and who are regularly scheduled to work a forty (40) hour workweek. Generally, they are eligible for all benefits, pursuant to the current benefit plans and the eligibility requirements within each of those plans.
- C. REGULAR PART-TIME employees are employees who are not in a temporary status and who are regularly scheduled to work less than a forty (40) hour week. Regular part-time employees are eligible for some of the benefits offered, pursuant to the current benefit plans and the eligibility requirements within each of those plans.

4. Temporary Employment Status

Temporary employment consists of employment which is not expected to continue for a period of more than six (6) months. Temporary employment can be FULL-TIME or PART-TIME.

- A. TEMPORARY FULL-TIME employees are employees who are hired to temporarily supplement the workforce, or to assist in the completion of a specific project and who are temporarily scheduled to work a forty (40) hour week for a limited duration. Employment beyond any initially stated time frame does not in any way imply a change in employment status.
- B. TEMPORARY PART-TIME employees are employees who are hired to temporarily supplement the workforce, or to assist in the completion of a specific project and who are temporarily scheduled to work less than a forty (40) hour week for a limited duration. Employment beyond any initially stated time frame does not in any way imply a change in employment status.

5. Exempt Status

Exempt employees are paid on a salary basis and are not eligible for overtime pay. Exempt employees typically include administrative, executive, and professional employees, certain highly skilled computer professionals and others who may have supervisory responsibility. The Pueblo shall maintain a record of work hours of exempt employees for the purpose of PTO accrual and performance measures.

6. Non-Exempt Status

Non-Exempt employees are employees who are paid on an hourly basis, and are eligible for overtime pay at 1.5 times their base rate of pay for all hours worked in excess of the forty (40) hour workweek. Emergency response personnel or other eligible employees will be paid overtime in accordance with applicable FLSA guidelines.

7. Independent Contractor/Consultant

A self-employed individual who performs a service for the Pueblo who is not subject to the Pueblo's control, or right to control, regarding the method and means in which the service is performed. Individuals in this category are not considered employees of the Pueblo of Laguna. These individuals are engaged to provide paid services to the Pueblo as contractors and are not eligible for any Pueblo

benefits but are subject to applicable Pueblo of Laguna laws, policies, program and/or funding source requirements.

8. Volunteer Status

A volunteer donates their time and/or energy without receiving financial or material gain from the Pueblo of Laguna.

Individuals in this category are not considered employees of the Pueblo of Laguna. These individuals are engaged to provide unpaid assistance or services to the Pueblo for a specified time period and are not eligible for any Pueblo benefits but are subject to applicable Pueblo of Laguna laws and policies.

9. Elected Officials

An elected official serves the community of the Pueblo of Laguna in accordance with the Pueblo's constitution and Council Policy.

Individuals in this category are not considered employees of the Pueblo of Laguna. These individuals are eligible for some Pueblo benefits and are subject to applicable Pueblo of Laguna laws, policies, program and/or funding source requirements.

10. Delegation of Authority/Acting Status Assignment

A delegation of authority involves a delegation of duties to an employee during a brief absence of a supervisor. An acting status assignment usually involves assigning a regular status employee to a supervisory position during an extended absence of a supervisor.

Procedure

- A. Delegation of Authority - Supervisors may delegate duties and authorities to another employee during a supervisor's absence that is less than fifteen (15) business days.
 - 1) The Supervisor who is responsible for announcing the delegation of authority to appropriate individuals and to all Pueblo employees via email, and shall include the following information:
 - a) The nature and time period of the assignment, when necessary;
 - b) Assigned duties and responsibilities, when necessary; and
 - c) Reporting relationships and signature authority restrictions.
- B. Acting Status - Only REGULAR FULL TIME employees may be assigned to an acting status for a period of fifteen (15) business days or more.
 - 1) Each supervisor determines when an employee will serve in an acting status assignment.
 - 2) The supervisor shall communicate the acting assignment to appropriate individuals and to all Pueblo employees via e-mail, and shall include the following information:
 - a) The nature and time period of the assignment, when necessary;
 - b) Assigned duties and responsibilities, when necessary; and
 - c) Reporting relationships and signature authority restrictions.
 - 3) The supervisor of the acting status employee shall consult with the Human Resources Manager to initiate appropriate compensation for acting status duties.

- 4) When the acting status assignment ends, the employee shall be returned to their original pay before the assignment, unless the original pay was otherwise adjusted during the acting assignment.
- 5) Upon completion of the acting assignment, an employee shall return to the same position they occupied prior to the assignment.
- 6) During the employee's absence, his/her position may be filled on a temporary basis.
- 7) An employee shall maintain the level of benefits and seniority that the employee would have been entitled to had the assignment not occurred.

11.Changes in Assignment

To effectively operate governmental business, the Pueblo of Laguna may use its discretion to initiate or approve a change in an employee's job assignment. A change in assignment occurs when an employee is assigned from one position to another position. Changes in assignment are as follows:

- A. Transfer: Any time an employee has applied for a position at a salary range that is the same as or lower than the employee's current salary range and the employee has been selected for the position.

Procedure

- A. An employee who is considering transfer to a different position is subject to all provisions of Chapter 3 – Recruitment and Selection.
 - B. A transferred employee will be placed on an IESP in accordance with the terms of the Recommendation for Hire.
 - C. In the event the employee does not satisfactorily complete the IESP, there is no guarantee they will be placed into the position they previously held.
 - D. A transferred employee shall maintain the level of benefits and seniority that the employee would have been entitled prior to the transfer.
- B. Promotion: A promotion will occur when an employee has applied for a position at a higher level of responsibility and / or to a supervisory level and the employee has been selected for the position.

Procedure

- A. An employee who is considering a promotion to a different position is subject to all provisions of Chapter 3 – Recruitment and Selection.
- B. A promoted employee will be placed on an IESP in accordance with the terms of the Recommendation for Hire.
- C. In the event the employee does not satisfactorily complete the IESP, there is no guarantee they will be placed into the position they previously held.
- D. A promoted employee shall maintain the level of benefits and seniority that the employee held prior to the promotion.

- C. Demotion: A demotion may occur when an employee is not capable of performing the duties of the position or has been found to have violated Pueblo of Laguna policies or procedures.

Procedure

- A. An employee may be demoted to a lower level position only if a position is available. The employee shall be subject to applicable positions of Chapter 3 – Recruitment and Selection.
 - B. In the event it is determined that an employee's job performance and/or job responsibilities are not being met, and a supervisor is considering a demotion, an employee must be provided an opportunity to improve their performance through a Performance Improvement Plan.
 - C. In the event an employee has been found to be in violation of Pueblo of Laguna policies and has been through the disciplinary process, a supervisor may recommend demotion.
 - E. A demoted employee shall be subject to terms of an IESP.
 - F. In the event the employee does not satisfactorily complete the IESP, there is no guarantee of continued employment.
 - D. A demoted employee shall maintain the level of benefits and seniority the employee had prior to the demotion.
- D. Reassignment: In the event an employee is affected by a reduction in force, departmental redesign or is not capable of performing the duties of their current position and the employee has applied for a position and has been selected for the position.

Procedure

- A. A change in assignment occurs when an employee applies for and is chosen for a different position within the Pueblo.
- B. Where an employee has not applied for a different position, in order to initiate a change in assignment, the Department Director must submit a department and/or program redesign and/or job description change, through the Human Resources Manager.

Chapter 6 - Compensation Administration

1. General Compensation Administration Policy

The Pueblo of Laguna will provide competitive compensation for all positions and equitable administration of wages and salaries commensurate with the type of work, the level of responsibility and the qualifications required for each job. To ensure the compensation administration policy, wage surveys shall be conducted no less than every three (3) calendar years.

2. Salary Limits

It is the policy of the Pueblo of Laguna to evaluate each position using a classification system which establishes a value for each position in relation to other positions within the Pueblo of Laguna and the market. The Pueblo's compensation rates will price positions to market by using local, national, and industry specific survey data.

Each position shall have a designated pay range consisting of a minimum, midpoint and maximum pay rate. The midpoint of a salary range shall be established through a competitive analysis of actual salaries paid for benchmark positions, and the internal ranking of all positions based on compensable factors that are common to these positions.

The Human Resources Office shall be responsible for maintaining and updating the salary ranges for all Pueblo of Laguna positions.

3. Merit Pay

Merit pay is used to reward successful performance and to recognize the achievement of objectives. The employee's annual performance evaluation serves as the basis for a merit pay increase. Merit pay will be provided based on available approved budgets and appropriations. Increases will not be granted to employees whose performance is less than satisfactory overall, as indicated in the performance evaluation process.

4. Overtime Pay

The Pueblo of Laguna shall pay Non-Exempt employees overtime pay when authorized and pre-approved by the employee's supervisor. Overtime is paid at 1.5 times their base rate of pay for all hours worked in excess of their regularly scheduled forty (40) hour work week. Emergency response personnel or other eligible employees will be paid overtime in accordance with applicable FLSA guidelines.

5. Call-In Pay

A non-exempt employee who is on "On Call Status" shall be eligible for Call-In Pay. When called in outside of the regular work schedule, an employee shall be paid for the amount of time worked or a minimum of two hours, whichever is greater. Call In Pay shall be paid at 1.5 times the base rate of pay.

6. Travel Pay

The time employees spend commuting to and from work is not considered work time and is excluded from this policy. However, the Pueblo of Laguna shall pay non-exempt employees for time spent traveling for work-related purposes during the workday as work time. All travel pay shall be subject to the provisions of Pueblo of Laguna Accounting policies and procedures.

7. Severance Pay

Only in the event of a reduction in force, the Pueblo of Laguna may provide a severance benefit for affected employees. The payout of severance pay is contingent upon available and allowable funding from applicable funding sources. The rate of severance is based on the length of service with the Pueblo of Laguna and the employee's current hourly rate of pay. If an employee is eligible and applicable funding sources are available, the following schedule shall determine severance pay:

Employee Classification	Severance Pay – in hours
Temporary Employees	0
Regular Part Time Employees	Shall be paid on a prorated basis and is dependent upon months of service and the number of hours worked within the last year.
Regular Full Time Employees	
0 to 12 months of service	40 hours
13 to 48 months of service	80 hours
49 to 120 months	120 hours
121 months of service or more	160 hours

8. Shift Differential Pay

Shift differential pay shall be provided to non-exempt employees who are scheduled to work during the evening or night shift. Shift differential pay shall only be paid for actual hours worked.

Procedure

- A. An employee scheduled to work between 3:00 pm and 11:00 pm shall be eligible to receive evening shift differential pay.
- B. An employee scheduled to work between 11:01pm and 7:00 am shall be eligible to receive night shift differential pay.
- C. Shift differential pay shall be included in the employee's overtime pay calculation.
- D. Shift differential amounts and calculation methods shall be kept on file in the Human Resources Office.
- E. Shift differential pay will not be applicable to non-work hours such as PTO, Administrative, Religious and Holiday Leave.

9. Pay Advances

The Pueblo of Laguna shall not provide pay advances to any employee.

Chapter 7 - Employee Benefits

1. General Benefits Policy

The Pueblo of Laguna will provide all employees certain leave benefits identified in this policy. Entitlement to leave benefits shall be prescribed as follows:

- A. REGULAR FULL-TIME employees are eligible for all leave benefits;
- B. REGULAR PART-TIME employees are eligible for all leave benefits on a prorated basis; and
- C. TEMPORARY employees may be eligible for Holiday Leave and Administrative Leave

The Pueblo of Laguna reserves the right to add, eliminate or in other ways modify any benefit based on the Pueblo's capacity to fund the benefit. Unless otherwise stated, all leave must be approved by the employee's supervisor.

2. Holiday Leave

Paid Holiday Leave shall be provided to all eligible employees and it shall be paid at the regular rate of pay. The Pueblo of Laguna shall observe the following holidays:

Holiday	Day Observed
New Year's Day	January 1st
Martin Luther King Jr. Day	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Laguna Feast Day	September 19th
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Workforce Excellence Day	Fourth Friday in November
Christmas Day	December 25th

If an approved holiday falls on a weekend, the holiday will be observed on the work day closest to the holiday.

An employee must be at work or be on approved leave the scheduled work day before and after the holiday to receive holiday leave.

- A. All REGULAR FULL-TIME employees are eligible for holiday leave pay at a rate of eight (8) hours per holiday.
- B. All REGULAR PART-TIME employees are eligible for holiday leave pay on a pro-rated basis.
- C. All TEMPORARY employees are eligible for holiday leave pay on a pro-rated basis.

Procedure

- A. Additional holidays may be designated by the Pueblo of Laguna Council.
- B. The Human Resources Office shall post and distribute a notice of approved annual holidays at least two (2) weeks prior to the beginning of the next calendar year.
- C. The pro-rated holiday pay schedule is on file in the Human Resources Office.

3. Paid Time Off (PTO)

The Pueblo of Laguna shall provide all regular employees with PTO to be used for personal or family obligations, including but not limited to, vacations, court appearance, jury duty, legal or business matters, family emergencies of a nature that require an employee's immediate attention; medical or health examinations of the employee or the employee's family, and any other matter of a personal nature. PTO shall be accrued according to the following schedule:

Length of Employment	Rate of Paid Leave Accumulation	Maximum amount of Accrual
Day 1 of employment to completion of 12 months of service	6 hours of paid leave per pay period	156
First day of the 13th month to completion of 48 months of service	8 hours of paid leave per pay period	208
First day of the 49th month to completion of 120 months of service	10 hours of paid leave per pay period	260
First day of the 121st month of service throughout employment	12 hours of paid leave per pay period	312

- A. All REGULAR FULL TIME employees are eligible for PTO as prescribed in the PTO schedule.
- B. All REGULAR PART TIME employees are eligible for PTO on a pro-rated basis.
- C. TEMPORARY employees are not eligible for PTO.

Unless otherwise stated, all employees must work or be on approved leave during the pay period to accrue PTO.

Procedure

- A. Any employee requesting PTO shall use the Pueblo of Laguna approved leave form to request the leave.
- B. Request for Approval - Anticipated Absence

- 1) An employee requesting PTO in excess of twenty-four (24) continuous hours that is not an unforeseen absence shall submit their request to their supervisor at least five (5) business days in advance of taking the PTO;
 - 2) An employee requesting PTO in excess of eight (8) continuous hours that is not an unforeseen absence shall submit their request to their supervisor within three (3) business days in advance of taking the PTO; and
 - 3) Supervisors shall provide employees with approval or disapproval within two (2) business days after the submitted request was received.
- C. Request for Approval - Unforeseen Absence
- 1) In the event of an unforeseen illness or emergency, PTO shall be paid to the employee so long as the employee has complied with the provisions of Chapter 8, Time and Attendance;
 - 2) An employee shall submit a written proof of illness from a physician for unforeseen PTO absences of three (3) or more consecutive workdays to their supervisor upon return from such illness; and
 - 3) An employee shall submit their request to their supervisor within one (1) business day of returning from an unforeseen absence with applicable documentation.
- D. PTO is used in increments of no less than thirty (30) minutes.
- E. An eligible employee accrues PTO at the end of the pay period for which it is earned and shall not use accrued PTO until the pay period following the accrual.
- F. Supervisors shall give PTO scheduling preference to employees based on the following:
- 1) The date of the request;
 - 2) The employee's performance record;
 - 3) The employee's workload;
 - 4) Attendance record; and
 - 5) The employee's seniority.
- G. The Human Resources Office shall maintain accurate PTO accrual amounts for each employee.
- H. An employee who is on Leave Without Pay status for a period of more than eight (8) hours within one pay period does not accrue PTO during that pay period.
- I. An employee who is eligible for PTO and is on approved FMLA, Disability Leave or Worker Compensation will continue to accrue PTO for use during the approved leave.
- J. When a Transfer, Promotion, Demotion or Change in Assignment occurs, an employee's PTO shall be transferred with the employee. In the event the employee is transferred, promoted, demoted, or assigned to a position in which PTO does not accrue, an employee may be paid for all accrued PTO earned in his/her prior position.
- K. When the employee's accrued PTO reaches the maximum capacity, additional accruals cease and additional PTO is forfeited until the accrual is no longer at maximum capacity.
- L. The pro-rated PTO accrual schedule is on file in the Human Resources Office.
- M. Terminated employees are not eligible for PTO payout.
- N. Violation or abuse of the PTO policy and/or procedures shall result in disciplinary action.

4. Administrative Leave

The Pueblo of Laguna may provide paid or unpaid administrative leave at the discretion of the Governor or the Chief of Operations for administrative purposes that are in the best interest of the Pueblo of Laguna and/or its employees. All employees may be eligible for administrative leave.

Procedure

A. ADMINISTRATIVE LEAVE WITH PAY

- 1) The Governor or Chief of Operations will determine when Paid Administrative Leave is allowable;
- 2) Allowable activities or events include, but are not limited to, cultural events, community events, job related testing/training, and emergency situations;
- 3) Paid Administrative Leave is paid to employees based on the scheduled number of hours an employee was to work when the Paid Administrative Leave was granted, not to exceed eight (8) hours per day; and
- 4) If an employee is not at work during the time the Paid Administrative Leave was granted, whether on approved leave or not scheduled, they are not eligible for Paid Administrative Leave.

B. ADMINISTRATIVE LEAVE WITHOUT PAY

- 1) The Chief of Operations will determine when Unpaid Administrative Leave is appropriate;
- 2) In unacceptable employee performance/behavior issues, an employee may be placed on Unpaid Administrative Leave while they are under investigation for alleged misconduct, harassment, or suspension; and
- 3) An employee will not be provided compensation when Administrative Leave is used in this capacity unless the investigation results deem the unacceptable performance/behavior is unfounded.

5. Bereavement Leave

The Pueblo of Laguna shall provide employees with paid time off in order to make arrangements and for attendance of the funeral of a family member. Leave will be granted in accordance with the following schedule:

Hours	Applicable Family Members
8	Kiva parents, kiva brothers, kiva sisters, kiva grandparents and kiva children Any other in-law
16	Legal mothers and fathers in law Legal and adopted aunts, uncles, nieces, nephews, cousins, grandparents, and grandchildren
40	Biological, legal, step and adopted parents, children, and siblings. Spouse

- A. All REGULAR FULL TIME employees are eligible for Bereavement Leave as prescribed in the bereavement schedule.
- B. All REGULAR PART TIME employees are eligible for Bereavement Leave on a pro-rated basis.

Procedure

- A. An employee shall notify his/her supervisor, by using the approved leave form, as soon as the employee is aware of the need for bereavement leave.
- B. Employees who request additional time off may charge the time to their PTO.
- C. The pro-rated Bereavement Leave schedule is on file in the Human Resources Office.
- D. Violation or abuse of the Bereavement Leave policy and/or procedures shall result in disciplinary action.

6. Religious Leave

In the interest of the preservation and promotion of the practice of the Pueblo of Laguna's traditional religious ceremonies, paid religious leave shall be granted to those who have been elected as Warchief; those who have chosen to become traditional religious leaders within the six villages; and those who have been elected as Staff Officers or Mayordomos within the six villages as follows:

Position	Amount of Paid Religious Leave
Current Head Warchief, First Warchief, Second Warchief	360 Hours Per Calendar Year
Former Warchiefs substituting for an elected Warchief	80 Hours Per Calendar Year
Mayordomos	80 Hours Per Calendar Year
Cane Bearing Staff Officers	80 Hours Per Calendar Year
Religious leaders	200 Hours Per Calendar Year

Once all paid religious leave has been exhausted, employees may use their accrued PTO or leave without pay. Employees who are not eligible for paid religious leave may use their accrued PTO or leave without pay to participate and/or prepare for traditional religious ceremonies.

Procedures

- A. Eligible employees shall submit a leave form for Religious Leave prior to the religious event or as early as possible to the supervisor.
- B. Once an employee has exhausted Religious Leave benefits, the employee may request for Leave Without Pay or PTO in accordance with the policies/procedures associated with those policies.

7. Family Medical Leave

Although not bound by the Family Medical Leave Act of 1993 (FMLA), as a general policy, looks to the FMLA as a guide to for granting an employee extended medical leaves for serious medical conditions, including pregnancy, or to care for family members; however, this policy does not affect the sovereignty of the Pueblo to establish different rules.

Procedure

- A. FMLA is unpaid leave.
- B. An employee is eligible if he/she has worked for the Pueblo of Laguna for at least twelve (12) months and has worked at least 1,250 hours in the twelve (12) months immediately preceding the commencement of the leave. Family Medical Leave may be used for any of the following reasons:
 - 1) The birth of any employee's child/children;
 - 2) The adoption of a child or official placement with the employee for foster care;
 - 3) The care of a son, daughter, spouse, biological parent or other legally dependent relative having a serious health condition; or
 - 4) When the employee is unable to perform the functions of his/her position because of a serious health condition.
- C. An eligible employee can take up to twelve (12) weeks of Family Medical Leave during any calendar year.
- D. An employee shall be required to provide documentation regarding the FMLA request
- E. An employee must use all accrued PTO prior to using unpaid Family Medical Leave.
- F. When using PTO, it will be considered as Family Medical Leave and will count towards the twelve (12) week allowance.
- G. Employees are required to submit medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent.
- H. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide notice as far in advance as practicable, and make efforts to schedule leave so as not to disrupt program operations.
- I. In cases of an employee's own illness, the employee will be required to report periodically to the immediate supervisor on his/her leave status and intention to return to work. A medical certification is required to resume work.
- J. Upon return from Family Medical Leave, an employee shall return to the same position they occupied prior to the approved leave. During the employee's absence, his/her position may be filled on a temporary basis. An employee shall maintain the level of benefits and seniority that the employee would have been entitled to had the Family Medical Leave not occurred.
- K. A Family Medical Leave in excess of thirty (30) days is considered a break in service as it pertains to the employee's evaluation date. The dates will be adjusted accordingly.
- L. Employees will continue to accrue PTO while on Family Medical Leave.
- M. The Pueblo of Laguna will continue to pay the employer's portion of health insurance benefits provided the insurance was in force when the Family Medical Leave began.
- N. While on paid Family Medical Leave, the Pueblo will continue to make payroll deductions to collect the employee's share of the premium.
- O. While on unpaid Family Medical Leave, the employee must continue to make their portion of the premium payment, whether in person or by mail. The payment must be received in the Accounting Department by the 15th day of each month the premium is due. If the payment is more than thirty (30) days late, the employee's health coverage may be dropped for the duration of the leave.
- P. The Pueblo will provide fifteen (15) days' notification prior to the employee's loss of coverage.
- Q. An employee's failure to return to work after the duration of approved Family Medical Leave shall be deemed voluntary separation.
- R. The Human Resources Office is responsible for maintaining applications and forms for Family Medical Leave.

8. Military Leave

Although not bound by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), the Pueblo of Laguna, as a general policy, looks to the USERRA as a guide to provide un-paid leave to employees who are veterans and members of Reserve components.

Procedure

- A. All FULL TIME REGULAR employees who are called into active duty in a branch of the United States Armed Forces or are members of the Reserve components of the United States Armed Forces are eligible for Military Leave to report for active duty, required military training and other such activities.
- B. An employee must present official orders requiring attendance for training, active duty, or other such activity within three (3) business days of receiving such orders. No notice is required if military necessity prevents it or the giving of notice is otherwise impossible or unreasonable.
- C. Military Leave shall be granted to employees for the period of an eligible absence; however, the employee may use their PTO to supplement their salary or benefits.
- D. Using Military Leave will not result in the loss of any employment benefit accrued before the date that the Military Leave began.
- E. A Military Leave in excess of thirty (30) days is considered a break in service as it pertains to the employee's evaluation date. The dates will be adjusted accordingly.
- F. An employee will not accrue PTO while on Military Leave for a full pay period.
- G. The Pueblo of Laguna will continue to pay the employer's portion of health insurance benefits provided the insurance was in force when the Military Leave began.
- H. While on Military Leave, the Pueblo will continue to make payroll deductions to collect the employee's share of the premium.
- I. While on Military Leave, the employee must continue to make their portion of the premium payment, whether in person or by mail. The payment must be received in the Accounting Department by the 15th day of each month the premium is due. If the payment is more than thirty (30) days late, the employee's health coverage may be dropped for the duration of the leave.
- J. The Pueblo will provide fifteen (15) days' notification prior to the employee's loss of coverage.
- K. The Human Resources Office is responsible for maintaining applications and forms for Military Leave.
- L. An employee returning from an extended Military Leave eligible absence shall be reinstated within ninety (90) days after discharge to the level of benefits and seniority that the employee would have been entitled to had the service not occurred.
- M. The Pueblo of Laguna will reinstate an employee returning from an extended Military Leave eligible absence to an open position for which the employee is qualified. The following are conditions that must be met in order for the absence to be considered eligible:
 - 1) The employee must have served at least one-hundred-and-eighty (180) consecutive days with the Armed Forces of the United States of America;
 - 2) The employee must have received a discharge under acceptable conditions; and
 - 3) The employee must be physically able to perform the duties of the position into which the employee is placed.
- N. It is the responsibility of the employee to notify the Pueblo of Laguna Human Resources Office of their intent to return to work within ten (10) business days of discharge.
- O. An employee's failure to return to work after the duration of approved Military Leave shall be deemed voluntary separation.

- P. In the event funding for the employee's previous position has been exhausted or expired, the Pueblo of Laguna will make reasonable efforts to transfer or reassign the employee to another position through a Reduction in Force or a Change in Assignment.
- Q. Current employees who enlist or re-enlist in the Armed Forces of the United States are not eligible for Military Leave and must resign from the Pueblo of Laguna.

9. Leave Without Pay

The Pueblo of Laguna may grant employees Leave Without Pay when other forms of leave are not available. All employees are eligible for leave without pay. Employees may be required to use all accrued PTO prior to applying for Leave Without Pay.

Procedure

- A. Employees may be required to use all accrued PTO prior to applying for Leave Without Pay.
- B. Any employee requesting Leave Without Pay shall use the Pueblo of Laguna approved leave form to request the leave.
- C. An employee requesting Leave Without Pay in excess of twenty-four (24) continuous hours shall submit their request to their supervisor at least five (5) business days in advance of taking the Leave Without Pay.
- D. An employee requesting Leave Without Pay in excess of eight (8) continuous hours shall submit their request to their supervisor at least three (3) business days in advance of taking the Leave Without Pay.
- E. Any employee who uses more than eight (8) hours of Leave Without Pay during a single pay period shall not accrue PTO for that pay period.
- F. Supervisors shall provide employees with approval or disapproval within (2) business days after the submitted request was received.

10. Leave of Absence

The Pueblo of Laguna may allow regular employees the opportunity to take an unpaid leave of absence to manage personal issues when other leave options are not available. Each leave of absence request will be handled on a case-by-case basis by the supervisor. Leave of Absences shall last no longer than 6 months.

Procedure

- A. Upon approval of the Department Director and the Human Resources Manager, an employee who has at least one (1) year of service may be granted a Leave of Absence for a specified period of time, not to exceed six (6) months.
- B. If the Department Director determines that the Leave of Absence of the employee would be detrimental to the Pueblo of Laguna's operations, the Leave of Absence request will be denied.
- C. The approval of a Leave of Absence does not constitute the guarantee that the employee will return to the same position upon return to work as when the Leave of Absence began.
- D. A Leave of Absence in excess of thirty (30) days is considered a break in service and benefits eligibility dates and evaluation dates will be adjusted accordingly.
- E. An employee shall not accrue PTO while on unpaid Leave of Absence.

- F. The Pueblo of Laguna will continue to pay the employer's portion of health insurance benefits provided the insurance was in force when the Leave of Absence leave began.
- G. While on unpaid Leave of Absence, the employee must continue to make their portion of the premium payment, either in person or by mail. The payment must be received in the Accounting Department by the 15th day of each month the premium is due. If the payment is more than thirty (30) days late, the employee's health coverage may be dropped for the duration of the leave.
- H. The Pueblo will provide fifteen (15) days' notification prior to the employee's loss of coverage.
- I. An employee's failure to return to work after the duration of unpaid Leave of Absence shall be deemed voluntary resignation.

11. Tuition/Education Expense Assistance

The Pueblo recognizes that education development is important and encourages employees to obtain additional education or external training to increase their competence in their present job and/or to prepare for future contribution to the Pueblo of Laguna. All full time regular employees are eligible to receive up to \$2500 per calendar year to be used for approved expenses. This policy may be used in conjunction with the Pueblo's Training and Development policies but is not intended to take place of those policies. The Pueblo shall provide preference to Pueblo members when granting tuition/education expense assistance.

Procedure

- A. Education assistance may be available to FULL TIME REGULAR employees for courses that increase the employee's competence and for future contribution to the Pueblo of Laguna community.
- B. The following are eligible expenses for Education Assistance:
 - 1) Tuition;
 - 2) Registration fees;
 - 3) Lab fees;
 - 4) Text books, workbooks or other required supplementary materials;
 - 5) Computer, calculator or other equipment; and
 - 6) General supplies.
- C. An employee must complete an Application for Education Assistance prior to being approved for assistance. The Application for Education Assistance shall include the following:
 - 1) General employee information;
 - 2) An educational plan indicating how the employee intends to attain higher education degree or certificate;
 - 3) Anticipated financial need for the semester/term period; and
 - 4) Detailed explanation of how the employee plans to use the assistance funds.
- D. An employee must successfully complete the semester or course term to be eligible for continued Education Assistance.
- E. An employee may be required to provide reimbursement of funds to the Pueblo if they do not successfully complete the courses for which assistance was provided.
- F. Successful completion is defined as receiving a grade of "C" or better in a traditional educational system or receiving a "Pass" in a pass/fail system.
- G. At the end of the semester or course term, the employee must provide to the Human Resources Office, original educational institution documentation indicating the employee's performance results.

- H. Throughout the semester or course term, the employee shall provide to the Human Resources Office, receipts to account for proper expenditure of assistance funds.
- I. An employee must be employed for a period of at least one (1) year following the duration of the semester or course term to be eligible for assistance.
- J. The employee shall be required to enter into an Education Assistance Agreement that provides specific agreement terms between the Pueblo and the employee.
- K. Availability of Education Assistance program is dependent upon department and/or program budgets.

12. Health Care/Retirement Benefit Policy

The Pueblo of Laguna provides eligible employees with a Health Care/Retirement benefit package. The Pueblo of Laguna reserves the right to add, eliminate or in other ways, modify any discretionary benefits. Employee eligibility will be determined by the benefit plan document.

Chapter 8 - Time and Attendance

1. General Time and Attendance Policy

Except as otherwise stated, the Pueblo of Laguna will use the requirements of the Fair Labor Standards Act (FLSA) as a guide for managing time and attendance. This policy does not waive the Pueblo of Laguna's sovereignty. With regard to employees who are considered Exempt employees as identified in the Pueblo's classification policies, they are public employees and the Pueblo's time and attendance policies apply to them, as well as to Non-Exempt employees.

Procedure

- A. Departments and program's may establish additional time and attendance procedures in their respective Standard Operating Procedures (SOP's). All SOP's associated with time and attendance shall be approved by the Human Resources Manager.

2. Standard Hours of Operation

The standard workweek for governmental operations is Monday through Friday, 8:00 a.m. to 4:30 p.m. MST. Changes in operations may require hours to change. To effectively provide services to the Laguna community, some departments / programs may have operating hours outside the standard hours of operation. Department Directors shall determine appropriate hours of operation for their respective departments / programs.

3. Time Reporting

The Pueblo of Laguna shall provide uniform and consistent standards for time keeping. Employees shall accurately report time worked and absences. Supervisors are responsible for reviewing and approving their subordinate's time.

Procedure

- A. Employees will follow the procedures of the Pueblo's timesheet and time clock system.
- B. All timesheet reporting procedures will be available to employees during New Hire Orientation and on the Pueblo's computer network.

4. Attendance

The Pueblo relies on the punctual and reliable attendance of its employees. All employees are required to be present for their scheduled work day. Tardiness and/or early departure from the employee's assigned work location may result in disciplinary action.

Procedure

- A. Supervisors may track employee's attendance.
- B. Employees are required to report to their designated work locations at the prescribed time work is to commence.

- C. In the event an employee cannot report to work as scheduled, the employee must notify their supervisor as early as practical or at least thirty (30) minutes after the employee's work shift is scheduled to begin.
- D. In the event an employee is unable to contact their supervisor, the employee must notify the Human Resources Office or the employee's respective Department Director at least thirty (30) minutes after the scheduled work shift begins.
- E. Notification from any individual other than the employee will be accepted in cases where notification by the employee is impossible or extremely difficult, such as hospitalization. Supervisor discretion will be applied, without discrimination, to all employees in similar situations.
- F. An excused absence will be covered under the Pueblo of Laguna's leave policies. Any absence that is not covered under the Pueblo's leave policies will be considered unexcused and will be considered unapproved Leave Without Pay.
- G. Failure to comply with the notification procedures may result in disciplinary action.
- H. Any employee who has three or more unexcused absences within a ninety (90) day period shall be subject to disciplinary action.
- I. Tardiness/Early Departure
 - 1) An employee who has three (3) or more unexcused tardies and/or early departures in a thirty (30) day period may be subject to disciplinary action.
 - 2) Employees will be "docked" pay for tardiness and/or early departures. Docking will begin when an employee is fifteen (15) minutes tardy or departs early from their work location. When an employee is docked pay for tardiness and/or early departures, the employee will not be allowed to make up this time or use PTO.
 - 3) Unusual circumstances causing tardiness, such as unpredictable inclement weather or road conditions will be reviewed by the supervisor. Supervisor discretion will be applied, without discrimination, to all employees in similar situations.

5. Work Schedules

Supervisors shall establish work schedules for each employee. Schedules may change based on the needs and requirements of program operations and may be outside the Pueblo's standard hours of operation.

Procedures

- A. If an employee's regular schedule is outside the standard hours of operation, Supervisors will provide work schedules to employees within five (5) business days of the beginning of the affected pay period.
- B. Failure of an employee to comply with established work schedules may result in disciplinary action.

6. Flex Time

To ensure maximum services are provided to community members, flex-time may be granted to employees. Flex-time is a work schedule that requires employees to work a standard number of hours within a specified period of time. With Supervisor recommendation, the Department Director has the authority to approve the use of flex-time for employees within the department. The supervisor will monitor and ensure proper calculation of flex-time within their program. Flex-time schedules may be suspended or cancelled at any time.

Procedure

- A. Supervisors are responsible for ensuring that flex-time schedules do not adversely affect the services that are provided to the Pueblo of Laguna members and the community.
- B. Flex-time work schedules must not cause or contribute to the need for additional staff or for existing staff to take on additional work.
- C. Flex-time work schedules shall not result in the employee working less than a full-time schedule during the workweek.
- D. A Non-Exempt employee who works a flex-time schedule is eligible for overtime pay as prescribed in the overtime pay policy.
- E. All flex-time schedules shall remain effective from the approval date for a period agreed to by the employee and the respective Department Director through the employee's chain of command.
- F. Requested PTO will reflect the number of scheduled hours in the flex-time schedule.
- G. Regardless of the employee's flex time schedule, employees will only receive eight (8) hours of holiday pay regardless of the number of flex-time hours scheduled on the holiday.
- H. A supervisor reserves the right to cancel or suspend use of flex-time schedules and return an employee to his or her standard schedule if the employee's flex-time schedule does not allow the program to operate effectively and efficiently.
- I. Employees who are on travel are expected to deviate from their flex-time schedules in order to attend scheduled meetings, trainings and/or workshops.
- J. Employees who abuse the Flex-Time Policy may be subject to disciplinary action.

7. Work Breaks

Work breaks are subject to supervisor approval and may be scheduled according to program need and will normally be limited to no more than two (2) per day and may not exceed fifteen (15) minute durations. Breaks shall not be accumulated in order to start work late, quit work early, or extend a meal break.

Procedure

- A. During each four (4) hours of scheduled work, Pueblo of Laguna employees may be permitted and encouraged to take a fifteen (15) minute break from their daily duties.
- B. A break period may not exceed fifteen (15) minutes, including the time it takes a person to leave the work area and return to the work area.
- C. Work breaks may not be accumulated or used to shorten the beginning or ending of a workday.
- D. Supervisors shall schedule work breaks in accordance with program needs, client demands, and with fairness to all employees within the department.
- E. Employees who abuse the Pueblo of Laguna Work Break Policy may be subject to disciplinary action.

8. Meal Breaks

Un-paid meal breaks are subject to supervisor approval and may be scheduled according to program need and will normally not exceed thirty (30) minutes.

Procedure

- A. For each eight (8) hours of scheduled work, Pueblo of Laguna employees are permitted and encouraged to take a thirty (30) minute meal break from their daily duties.
- B. A meal break period may not exceed thirty (30) minutes, including the time it takes a person to leave the work area and return to the work area.
- C. Meal breaks may not be accumulated or used to shorten the beginning or ending of a workday.
- D. Supervisors shall schedule meal breaks in accordance with program needs, client demands, and with fairness to all employees within the program.
- E. Employees who abuse the Pueblo of Laguna Meal Break Policy will be subject to disciplinary action.

9. On Call Status

Some non-exempt employees may be required to work on an on-call basis. The need for on call scheduling shall be recommended by the Supervisor and approved through the Department Director. Each on call employee shall be required to carry a communication device to ensure constant communication during the on-call period. When a non-exempt employee is called in to work during the on-call status period, the employee shall be paid in accordance with the Pueblo's Call In Pay Policy.

Chapter 9 - Employee Conduct

1. General Employee Conduct Policy

The Pueblo of Laguna requires employees to conduct themselves in a professional manner at all times guided by core values that reflect positively upon the Pueblo. Employees are expected to comply with all applicable laws and policies. In general, the use of good judgment will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed with the appropriate supervisor or the Human Resources Manager. It is the responsibility of employees to familiarize themselves and to comply with all personnel policies of the Pueblo of Laguna.

Each employee of the Pueblo of Laguna shall:

- A. Show courtesy, respect, cooperativeness, diligence and tact in dealings with supervisors, co-workers, elected officials, and the general public at all times.
- B. Comply with all management requests, policies and procedures, job description requirements, whether written or verbal, whose purpose is to support the Pueblo's goals and responsibilities and does not violate accepted moral or legal principles or codes.
- C. Provide full, efficient, and industrious service to the people of the Pueblo of Laguna.
Refrain from using his/her position to influence transactions involving purchases, contracts, leases, or other business dealings that advance personal interests or those of his/her friends or relatives.

Employees who violate any Pueblo of Laguna policy may be subject to disciplinary action, up to and including termination.

2. Personal Behavior

The Pueblo of Laguna expects each employee to uphold the integrity of the Pueblo of Laguna and the confidence the Pueblo placed in the employee pursuant to his/her employment. While employed, an employee's private life is his/her own, however, an employee's personal activities cannot disrupt the work or negatively affect their position in the workplace.

3. Personal Appearance

The Pueblo of Laguna maintains dress, grooming, and cleanliness standards as they contribute to the professional image presented to Pueblo of Laguna community members as well as the general public. Each employee's grooming, and personal hygiene should be appropriate to the work environment.

Procedure

- A. Employees should dress according to the requirements of their positions as determined by the supervisor.
- B. Employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in a business environment.
- C. Dress and personal appearance of employees who do not regularly meet the public may be governed by the requirements of safety or comfort, but should still be as neat and business-like as working conditions permit.

- D. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Supervisors will determine acceptable standards.
- E. Employees should not wear suggestive attire, athletic clothing, shorts, and similar attire that do not present a business-like appearance.
- F. Hair should be clean, combed, and neatly trimmed or arranged. Unkempt hair is not permissible regardless of length.
- G. The Pueblo of Laguna reserves the right to designate a “casual day” for employees to dress in a more casual fashion than is normally required. On such occasions, employees are still expected to present a neat appearance. Permissible attire on these days includes:
 - 1) Denim and cotton T-shirts in good condition;
 - 2) Novelty T-shirts with pictures and logos should not be offensive and must be appropriate to the workplace.
- H. Inappropriate clothing and/or inappropriate appearance are not permitted. An employee may be asked to leave the workplace until properly dressed or groomed. The employee may be required to take Leave Without Pay.
- I. Any employee found to violate this policy may be subject to disciplinary action.

4. Inappropriate Conduct

Employees shall avoid any conduct that a reasonable person, under the circumstances, would deem unacceptable.

5. Confidentiality

The Pueblo of Laguna requires all employees not to disclose privileged information about clients, personnel actions, property acquisitions, and Pueblo of Laguna financial transactions, or any other confidential information to unauthorized individuals or entities. This may apply during and after the employment relationship.

Procedure

- A. Information deemed confidential includes, but is not limited to:
 - 1) Personal data on Pueblo of Laguna clients;
 - 2) Applicant or employee information;
 - 3) Medical records;
 - 4) Records affected by the Health Insurance Portability and Accountability Act (HIPAA);
 - 5) Criminal histories;
 - 6) Financial transactions; and
 - 7) Pueblo owned data.
- B. Release of employment information is addressed in Chapter 15, Personnel Files.
- C. Confidential information should only be released with prior approval from the Chief of Operations, Chief Financial Officer, Department Director, or equivalent level position as applicable, and only to the individual or in response to a subpoena or authorized request.
- D. All employees will be required to sign a confidentiality statement.
- E. Any employee found to violate this policy may be subject to disciplinary action.

6. Press Releases

Employees shall not provide information to the press regarding Pueblo of Laguna matters without proper authorization by the Governor, the Chief of Operations or their delegates.

Procedure

- A. The Governor shall designate a Public Information Officer.
- B. All press or media inquiries will be directed to the designated Public Information Officer.
- C. Any employee found to violate this policy may be subject to disciplinary action.

7. Intellectual Property Rights

Correspondence, papers, documentation, computer programs, computer files, and all such items produced by an employee in the course of his/her work are considered property of the Pueblo of Laguna. Any unauthorized removal, reproduction, and/or disclosure are strictly prohibited.

8. Receipt of Gifts

The Pueblo of Laguna prohibits employees from soliciting or receiving personal gifts in cumulative excess of \$250 per calendar year from a prohibited source while performing official duties of their position, unless otherwise permitted.

Procedure

- A. Employees should not accept gifts that are in violation of the policy.
- B. If an employee is unsure whether or not a gift is prohibited, they should consult with their immediate supervisor or the Human Resources Office.
- C. An employee who received a gift that is prohibited by the policy may:
 - 1) Pay the market value for the gift;
 - 2) Return the gift to the donor; or
 - 3) Give the gift (or an amount of its equal value) to an appropriate charity, for example, a 501(c)(3) organization.
- D. An employee who receives a prohibited gift from a prohibited source should immediately notify their supervisor.

9. Financial Responsibility

The Pueblo of Laguna expects employees to address and meet financial obligations. When an employee has a financial debt to the Pueblo, the employee may be required to pay the debt through payroll deduction. A repayment schedule will be developed in accordance with the Accounting Department Policies and Procedures. In the event the employee is leaving employment with the Pueblo of Laguna, the balance of the financial debt will be deducted from the employee's final paycheck or PTO balance. If there are insufficient funds to cover the financial debt, the employee shall be required to acknowledge owing the debt.

10. Outside Employment

The Pueblo of Laguna reserves the right to prohibit employees from working, either part-time or full-time, with other organizations if such employment interferes with the proper and effective performance of regular duties or results in a conflict of interest.

Procedure

- A. Employees wanting to engage in outside employment must request approval from their respective Department Director through the employee's chain of command. The request will include:
 - 1) Pertinent information about the external employer;
 - 2) The nature of the job; and
 - 3) The hours of employment.
- B. Outside employment must not conflict with the duties the employee performs at the Pueblo of Laguna.
- C. If outside employment is approved, the employee may not use Pueblo tools, material, or equipment to perform duties associated with outside employment.
- D. It is the responsibility of an applicant chosen for hire to inform the Pueblo of outside employment at the time of the hire.
- E. Any employee found to violate this policy may be subject to disciplinary action.

11.Solicitation

The Pueblo of Laguna may limit employees or other persons from soliciting its employees during working time to minimize the impact on productivity.

Procedure

- A. Employees may not circulate any personal electronic, written or printed solicitation material in work areas at any time, during his/her working time, or during the working time of the employees to whom such activity is directed.
- B. Employees who are not scheduled to work shall not be on Pueblo of Laguna premises to solicit to other employees.
- C. Employees may post information on Pueblo of Laguna approved bulletin boards.
- D. Information and notices concerning Pueblo of Laguna department/program activities are not considered solicitation.
- E. All posting areas will be checked regularly to remove dated notices and postings in violation of this policy.
- F. Entities and/or community organizations may request to circulate solicitation material through the Governor's Office.
- G. Any employee found to violate this policy may be subject to disciplinary action.

12.Conditions of Work Area

The Pueblo of Laguna will provide employees with a safe and well-functioning work environment. Employees are expected to keep their work area clean and orderly and are expected to comply with all applicable safety, health, and departmental requirements.

13.Smoke Free Workplace

The Pueblo of Laguna will provide a safe and healthy environment to all employees. All Pueblo of Laguna buildings and Pueblo owned vehicles shall be smoke free at all times. All designated smoking areas outside will be positioned away from the main entrances of the building and shall meet applicable requirements. Employees shall only use designated smoking areas.

14. Pueblo Property

The Pueblo of Laguna provides employees with certain property required to adequately perform the functions of their position. Employees who use Pueblo property assigned to them shall be responsible for such property. If Pueblo issued property is destroyed or damaged through neglect, misuse, carelessness, or failure to follow instructions, the employee may be required to pay for repair and/or replacement.

Procedure

- A. Employees will receive a list of property they are responsible for from their supervisor.
- B. Employees who are issued Pueblo property to perform the functions of their positions are expected to:
 - 1) Take care of the property and ensure it is properly maintained and serviced as directed;
 - 2) Not allow the property to be used by anyone not approved by the Pueblo; and
 - 3) Use the property for official Pueblo business purposes.
- C. If an employee fails to follow supervisor instructions as it pertains to Pueblo property use, they may be subject to disciplinary action.
- D. Departments/programs may establish additional procedures in their respective Standard Operating Procedures (SOP's) for establishing and communicating Pueblo property care to employees.

15. Computer/Electronic Media/Communications Policy

When the Pueblo of Laguna provides an employee with network, computer resources and other communication devices and services to support the goals of the Pueblo of Laguna or assist employees in fulfilling their job responsibilities, employees should have no expectation of privacy while using Pueblo owned equipment or electronic devices. The Pueblo maintains the right to monitor and review all communication and electronic activities.

Depending on the Pueblo's network capabilities and capacity, the IT Program may implement additional procedures regarding the use of the network.

Prohibited use of the Pueblo's network, computer resources and other communication devices includes but is not limited to:

- A. Playing recreational games, engaging in social media, personal web browsing or personal texting on Pueblo issued devices;
- B. Searching for outside employment;
- C. Sending, receiving, accessing, or storing pornographic materials;
- D. Using the Pueblo's wireless network for personal use on personal devices;
- E. Making negative statements about the workplace on social media;
- F. Causing congestion, disruption, disablement, alteration, or impairment of Pueblo network;

- G. Destroying, deleting, erasing, or concealing Pueblo files or other Pueblo data, or otherwise making such files or data unavailable or inaccessible to the Pueblo;
- H. Permitting or granting use of an email or system account to another employee or non-employee;
- I. Using another employee's password or impersonating another person while communicating or accessing the Pueblo's network;
- J. Introducing a virus, harmful component, corrupted data or the malicious tampering with any of the Pueblo's computer systems;
- K. Engaging in unlawful or malicious activities; and
- L. Using the Pueblo's network to violate any Pueblo policies and/or procedures.

Procedure

- A. Employees will receive a list of computer/electronic media and communications equipment they are responsible for from their supervisor.
- B. Employees who are issued computers and/or electronic devices to perform the functions of their positions are expected to:
 - 1) Take care of the computers and/or electronic devices and ensure they are properly maintained and serviced as directed; and
 - 2) Not allow the computers and/or electronic devices to be used by anyone not approved by the Pueblo.
- C. The use of the Pueblo's network and issued devices are for authorized Pueblo use only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not inappropriate, occurs during personal time (meal or other breaks), and does not result in disruption of the workplace, interferes in the employee's job duties and/or causes expense or harm to the Pueblo.
- D. Employees must notify their supervisors if they accidentally encounter any material that violates this policy.
- E. Employees are expected to operate and maintain computers and/or electronic devices and will be liable for any damage to equipment other than day-to-day wear and tear use.
- F. To maintain system integrity, safety, and to ensure that the Pueblo's employees are using the network responsibly, computers, electronic devices, the IT Program will monitor email and computer storage areas.
- G. Any employee found to violate this policy may be subject to disciplinary action.

16.Visitors in the Workplace

In order to maintain efficiency and safety in the workplace personal visitors may be allowed during the workday, provided the visit does not adversely impact productivity or disrupt the work environment. Children may be allowed during emergency situations at the discretion of the employee's supervisor.

Procedure

- A. The presence of personal visitors may not affect the work of other employees in the work area. The employee and his/her visitor may be asked to leave the work area by the employee's supervisor.
- B. In the event an employee is faced with a situation where the employee has to bring a child to the work area, employees must receive approval from their supervisor prior to bringing the child to work. The following factors will be considered when approving a request:

- 1) The length of time the child is expected to be in the work area;
 - 2) The age and health of the child; and/or
 - 3) The safety factors of the workplace.
- C. The employee shall be responsible for supervising the child throughout the visit.
- D. In the event a request cannot be approved, employees will be allowed to use their PTO to care for the child.
- E. If an employee who is found to be in violation of this policy or abuse this policy, they may be subject to disciplinary action.

17. General Harassment Policy

Although not bound by the Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), the Pueblo of Laguna, as a general policy, looks to Title VII, ADEA, and ADA as a guide for determining harassment; however, this policy does not affect the sovereignty of the Pueblo to establish different rules.

The Pueblo of Laguna is committed to ensuring a workplace free from all types of harassment. Reported allegations of harassment are taken seriously and will be dealt with promptly and appropriately. The Pueblo will not condone harassment in any form from employees, outside service providers of the Pueblo, or any other non-employee. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop, and to report harassment to Human Resources at an early stage to prevent its escalation.

Harassing conduct is defined as any unwelcome verbal, written, or physical conduct based on race, color, religion, sex (including pregnancy and gender identity), national origin, age (40 or older), disability, genetic information, parental status, marital status, or sexual orientation.

- A. The Pueblo prohibits harassing conduct that:
- 1) Is intimidating, hostile, or abusive conduct severe or pervasive enough to reasonable considered to adversely affect the work environment or an employee; or
 - 2) Results in an employment decision affecting the employee and is based upon the employee having to endure the offensive conduct as a condition of employment.

Harassing conduct may include verbal, psychological, social or symbolic methods of intimidation, ridicule, entrapment, degradation, coercion or harm. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical touching (pushing, kicking, poking, spanking, tripping, etc.), assaults or threats of physical assault, intimidation, ridicule or mockery, insults or put-downs, offensive objects, actions or pictures, and interference with work performance.

- B. Harassing conduct can occur in a variety of circumstances, including, but not limited to, the following:
- 1) The harasser can be the victim's supervisor, a supervisor in another area, an agent of the Pueblo of Laguna, a co-worker, or a non-employee.
 - 2) The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 - 3) Prohibited harassment may occur without economic injury to, or discharge of, the victim.

General harassment does not include reasonable and appropriate actions taken by a supervisor that are within the scope of the supervisor's responsibilities (such as performance evaluations or disciplinary actions).

All employees, regardless of their position, are responsible for maintaining a work environment free from harassing conduct and for reporting observation of harassing conduct. Any harassment allegation must be reported to the Human Resources Office immediately. Harassment allegations will be promptly and thoroughly investigated by the Human Resources Office and / or Administrative Services Director.

Employees are required to cooperate during investigations and maintain confidentiality. Failure to maintain confidentiality may result in disciplinary action.

Retaliation against any employee who reports a harassment allegation is prohibited.

Any employee who falsely reports a harassment allegation, violates any provision of this policy or its procedures, or retaliates against a person who reports a harassment allegation may be subject to disciplinary action, up to and including termination.

Procedure

- A. Employees and/or non-employees shall take any complaint of harassment to the Human Resources Manager after an incident occurs. This includes any incident of harassment that they have personally witnessed or experienced, or that has been reported to them.
- B. Allegations may be made verbally or in writing, and in any event, should include to the greatest extent possible the following information:
 - 1) The identity of the alleged harasser;
 - 2) The conduct which is deemed harassment;
 - 3) Where the harassment occurred;
 - 4) What the complainant said and/or did in response to the alleged harassment;
 - 5) The identity of any witnesses or other individuals who have knowledge of the alleged harassment; and
 - 6) Any other relevant information or documents.
- C. In the event an allegation is made verbally; the Human Resources Manager will interview the complainant.
- D. The interview will be documented and presented to the complainant to verify accuracy.
- E. The Human Resources Manager will promptly initiate his/her own investigation or ensure an appropriate individual is identified to perform the investigation.
- F. The investigation will include interviews of all affected individuals and review of documentation relevant to the allegation.
- G. The investigation will determine:
 - 1) The validity of the allegation;
 - 2) What, if any corrective action is to be taken; and
 - 3) What, if any disciplinary action is to be taken.
- H. In the event the Human Resources Manager is the complainant or the alleged harasser, the Administrative Services Director shall assume the role of receiving the allegation, initiating the investigation process, and making the final determination of the validity of the allegation.

- I. In the event of harassment by a non-employee, the Human Resources Manager with concurrence of the Chief of Operations shall determine the measures necessary to address the conduct, given the Pueblo's relationship with the non-employee.
- J. All allegations shall be investigated fully and completely.
- K. All complaints and investigations shall be kept as confidential as possible and shall be limited by the scope of the investigation.
- L. No employee will be subject to retaliation of any type for reporting an incident of harassment.
- M. Any person who retaliates against any employee for reporting harassment will be subject to disciplinary action, up to and including termination.
- N. In order to maintain workplace safety and to maintain the integrity of the investigation, employees may be placed on Unpaid Administrative Leave.
- O. In the event an employee is found to have violated the Harassment Policy, appropriate disciplinary action will be taken.

18. Sexual Harassment

The Pueblo of Laguna is committed to ensuring a workplace free from sexual harassment. Reported allegations of sexual harassment will be taken seriously and will be dealt with promptly and appropriately. The Pueblo does not condone sexual harassment in any form from employees, outside service providers of the Pueblo, or any other non-employee. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop, and to report sexual harassment to Human Resources at an early stage to prevent its escalation.

Sexual harassment is defined as unwelcome verbal, written, or physical sexual contact, advances, requests, or demands, and abuse or threats of a sexual nature.

- A. The Pueblo prohibits sexual harassment as a single incident or a continuing pattern of conduct that:
 - 1) Is severe or pervasive enough to be reasonably considered to adversely affect the work environment or an employee; or
 - 2) Results in an employment decision affecting the employee and is based upon the employee having to endure the offensive conduct as a condition of employment.

Sexually harassing conduct may include psychological, social or symbolic methods, non-verbal conduct (such as leering, making sexual gestures, whistling, etc.), displaying or posting sexually suggestive objects, pictures, or cartoons, transmitting or posting sexually-related messages, videos or messages via text, instant messaging or social media, sexual comments about an individual's body, sexually degrading words describing an individual or gender group, sexually-suggestive or obscene letters, notes or invitations, physical conduct (such as spanking, pinching, groping, or blocking movement), and verbal, written or physical abuse or intimidation concerning an individual's gender, gender identity or gender expression.

- B. Sexually harassing conduct can occur in a variety of circumstances, including:
 - 1) The harasser can be the victim's supervisor, a supervisor in another area, an agent of the Pueblo of Laguna, a co-worker, or a non-employee.
 - 2) The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 - 3) Prohibited sexual harassment may occur without economic injury to, or discharge of, the victim.

Harassment does not need to be of a sexual nature, however, can include offensive remarks about a person's gender. (For example, it is prohibited to harass a woman by making offensive comments about women in general). Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

All employees, regardless of their position, are responsible for maintaining a work environment free from harassing conduct and for reporting observation of sexually harassing conduct. Any sexual harassment allegation must be reported to the Human Resources Office immediately. Sexual harassment allegations will be promptly and thoroughly investigated by the Human Resources Office and / or Administrative Service Director.

Employees are required to cooperate during investigations and maintain confidentiality. Failure to maintain confidentiality may result in disciplinary action.

Retaliation against any employee who reports a sexual harassment allegation is prohibited.

Any employee who falsely reports a sexual harassment allegation, violates any provision of this policy or its procedures, or retaliates against a person who reports a sexual harassment allegation may be subject to disciplinary action, up to and including termination.

Procedure

- A. Employees and/or non-employees shall take any complaint of sexual harassment to the Human Resources Manager after an incident occurs. This includes any incident of sexual harassment that they have personally witnessed or experienced, or that has been reported to them.
- B. Allegations may be made verbally or in writing, and in any event, should include to the greatest extent possible the following information:
 - 1) The identity of the alleged harasser;
 - 2) The conduct which is deemed harassment;
 - 3) Where the harassment occurred;
 - 4) What the complainant said and/or did in response to the alleged harassment;
 - 5) The identity of any witnesses or other individuals who have knowledge of the alleged harassment; and
 - 6) Any other relevant information or documents.
- C. In the event an allegation is made verbally, the Human Resources Manager will interview the complainant
- D. The interview will be documented and presented to the complainant to verify accuracy.
- E. The Human Resources Manager will promptly initiate his/her own investigation or ensure an appropriate individual is identified to perform the investigation.
- F. The investigation will include interviews of all affected individuals and review of documentation relevant to the allegation.
- G. The investigation will determine:
 - 1) The validity of the allegation;
 - 2) What, if any corrective action is to be taken; and
 - 3) What, if any disciplinary action is to be taken.
- H. In the event the Human Resources Manager is the complainant or the alleged harasser, the Administrative Services Director shall assume the role of receiving the allegation, initiating the investigation process, and making the final determination of the validity of the allegation.

- I. In the event of sexual harassment by a non-employee, the Human Resources Manager with concurrence of the Chief of Operations shall determine the measures necessary to address the conduct, given the Pueblo's relationship with the non-employee.
- J. All allegations shall be investigated fully and completely.
- K. All complaints and investigations shall be kept as confidential as possible and shall be limited by the scope of the investigation.
- L. No employee will be subject to retaliation of any type for reporting an incident of harassment.
- M. Any person who retaliates against any employee for reporting harassment will be subject to disciplinary action, including termination.
- N. In order to maintain workplace safety and to maintain the integrity of the investigation, employees may be placed on Unpaid Administrative Leave.
- O. In the event an employee is found to have violated the Sexual Harassment Policy, appropriate disciplinary action will be taken.

19. Workplace Violence

The Pueblo of Laguna is committed to preventing workplace violence and bullying, and to maintaining and promoting a safe work environment for all employees, and the general public. Reported allegations of violence or bullying are taken seriously and will be dealt with promptly and appropriately. The Pueblo does not condone violence or bullying in any form from employees, outside service providers of the Pueblo, or any non-employee. Employees are encouraged to inform the person directly that the violent or bullying conduct is unwelcome and must stop, and to report violent or bullying conduct to Human Resources at an early stage to prevent its escalation.

The Pueblo prohibits the possession of firearms or other weapons in the work environment, except by employees or other persons as part of official duty (e.g. Law enforcement officer).

The Pueblo prohibits violent or bullying conduct of any kind, whether a single incident or a continuing pattern of conduct, on its properties and at events sponsored by the Pueblo. Violent conduct is defined as an overt action that threatens violence, causes bodily harm, or creates a risk to the safety or health of any person. Bullying is defined as an action or expression that is intended to harm, intimidate, offend, degrade, threaten, or humiliate an employee or other individual.

Violent conduct may include yelling, fighting, pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, and damage to a work area or property.

Workplace bullying may include slandering, ridiculing, name calling that is hurtful, insulting, or humiliating, pushing, shoving, kicking, poking, assaultive or threatening conduct, damage to a work area or property, nonverbal threatening gestures, glances that convey threatening messages, and socially or physically excluding or disregarding an employee in work-related activities.

All employees, regardless of their position, are responsible for maintaining a work environment free of any form of violence and bullying and for reporting observation of harassing conduct.

Any allegation of violence or bullying must be reported to the Human Resources Office immediately. Such allegations will be promptly and thoroughly investigated by the Human Resources Office and or Administrative Services Director.

Employees are required to cooperate during investigations and maintain confidentiality. Failure to maintain confidentiality may result in disciplinary action.

Retaliation against any employee who reports a workplace violence allegation is prohibited.

Any employee who falsely reports workplace violence or bullying, violates any provision of this policy or its procedures, or retaliates against a person who reports a workplace violence allegation may be subject to disciplinary action, up to and including termination.

Procedure

- A. In the event of imminent, immediate physical danger, employees should call 9-1-1 for appropriate Law Enforcement personnel assistance.
- B. In other cases, employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisor before the situation escalates into potential violence.
- C. Employees are encouraged to utilize Conflict Resolution or the Pueblo's Employee Assistance Program to assist with potential violent situations.
- D. Employees and/or non-employees shall take any complaint of workplace violence to the Human Resources Manager immediately after an incident occurs. This includes any incident of violence that they have personally witnessed or experienced, or that has been reported to them.
- E. Allegations may be made verbally or in writing, and in any event, should include to the greatest extent possible the following information:
 - 1) The identity of the alleged aggressor;
 - 2) The conduct which is deemed violent;
 - 3) Where the violent act occurred;
 - 4) What the complainant said and/or did in response to the alleged aggression;
 - 5) The identity of any witnesses or other individuals who have knowledge of the alleged aggression; and
 - 6) Any other relevant information or documents.
- F. In the event an allegation is made verbally; the Human Resources Manager will interview the complainant.
- G. The interview will be documented and presented to the complainant to verify accuracy.
- H. The Human Resources Manager will promptly initiate his/her own investigation or ensure an appropriate individual is identified to perform the investigation.
- I. The investigation will include interviews with all affected individuals and review of the documentation relevant to the allegation.
- J. The investigation will determine:
 - 1) The validity of the allegation;
 - 2) What, if any corrective action is to be taken; and
 - 3) What, if any disciplinary action is to be taken.
- K. In the event the Human Resources Manager is the complainant or the alleged aggressor, the Chief of Operations shall assume the role of receiving the allegation, initiating the investigation process, and making the final determination of the validity of the allegation.
- L. In the event of workplace violence by a non-employee, the Human Resources Manager with concurrence of the Chief of Operations shall determine the measures necessary to address the conduct, given the Pueblo's relationship with the non-employee.
- M. All allegations shall be investigated fully and completely.

- N. All complaints and investigations shall be kept as confidential as possible and shall be limited by the scope of the investigation.
- O. No employee will be subject to retaliation of any type for reporting an incident of workplace violence.
- P. Any person who retaliates against any employee for reporting violence will be subject to disciplinary action, including termination.
- Q. In order to maintain workplace safety and to maintain the integrity of the investigation, employees may be placed on Unpaid Administrative Leave.
- R. In the event an employee is found to have violated the Workplace Violence Policy, appropriate disciplinary action will be taken.

20. Drug Free Workplace

The Pueblo of Laguna maintains a drug free workplace. An employee who is charged and/or convicted of an unlawful act involving illegal/prohibited drugs and/or alcohol and/or legal drugs may be subject to disciplinary action. The Pueblo prohibits employees from being on Pueblo owned property and/or using Pueblo owned equipment in a condition impaired due to alcohol or drugs (legal or illegal/prohibited).

The Pueblo may require an employee to submit to testing for drug and/or alcohol use as a continuing condition of employment, as deemed necessary by grant or funding requirements, after a work-related accident, through reasonable suspicion, or if identified through random selection.

The following is strictly prohibited and may result in disciplinary action:

- A. Use of illegal/prohibited drugs;
- B. Reporting to work with detectable amounts of alcohol or illegal/prohibited drugs in the employee's system;
- C. Bringing alcohol or illegal/prohibited drugs onto any Pueblo government premises;
- D. Transfer, storage, concealment, transportation, promotion or sale of illegal/prohibited drugs by employees of the Pueblo government;
- E. The possession of illegal/prohibited drugs;
- F. The possession of drug-related paraphernalia while on any Pueblo government premises;
- G. The use of prescribed drugs not legally obtained by the employee; and
- H. The use of prescribed drugs not being used for prescribed purposes by the employee.

Procedure

- A. All employees must report immediately to their supervisor and the Human Resources Office any action by an employee who demonstrates an unusual behavior pattern or suggests a reasonable suspicion that a person may be under the influence of drugs and/or alcohol.
- B. Based on reasonable suspicion, random selection, or after a work-related accident, the Pueblo reserves the right to inspect and/or search all Pueblo government premises, as well as any employee's personal property on the Pueblo government premises, for drugs and/or alcohol.
- C. Refusal to submit to any inspection or refusal to cooperate in any investigation will subject the employee to disciplinary action.
- D. All drug/alcohol testing will be performed at a certified laboratory or by a certified individual selected by the Human Resources Office.

- E. The Human Resources Office will coordinate all drug/alcohol testing with the employee and the supervisor; the Human Resources Office will also ensure transportation to and from the drug/alcohol testing facility.
- F. Unless otherwise indicated through these procedures or through funding source requirements, the Pueblo will use the drug testing program guidelines set in place by the Substance Abuse and Mental Health Association.
- G. All drug/alcohol testing shall be conducted within the timeframes specified by the Human Resources Office.
- H. Any act which manifests the employee's intent to refuse, such as any indication of intent to alter the results and attempts to refuse, alter and/or obstruct the testing process in any way may result in disciplinary action.
- I. Any employee who is charged, arrested or convicted of any drug/alcohol related violation must notify his/her supervisor and Human Resources Manager of the charge, arrest or conviction within one (1) business day after the alleged violation or as soon as practical.
- J. Alcohol
 - 1) Employees who are suspected of reporting to work under the influence of alcohol shall be subject to reasonable suspicion alcohol testing.
 - 2) Employees shall not bring alcohol onto the Pueblo government premises or be in possession of alcohol on Pueblo premises except as specifically required by their job duties.
 - 3) All Pueblo employees are prohibited from being under the influence of alcohol or consuming alcohol on Pueblo government premises on or off duty.
 - 4) If an off-duty employee, or an employee "on call" has consumed alcohol and is called to work, the employee has a responsibility to inform their immediate supervisor of the circumstances.
- K. Drugs
 - 1) Employees who are suspected of reporting to work under the influence of drugs (legal or illegal/prohibited) shall be subject to reasonable suspicion drug testing.
 - 2) The Pueblo shall not employ any individual who tests positive for illegal/prohibited drugs during a random drug test, work related accident drug test or reasonable suspicion drug test.
 - 3) The legal use of prescribed drugs that have been prescribed by a licensed physician is permitted. However:
 - a) Any employee, especially employees in safety sensitive positions, under a physician's care and taking prescribed controlled substances, that has been advised by a physician or professional that the taking of the prescribed controlled substances could affect performance must report this to their supervisor.
 - b) Failure of the employee to report the physician's advice, and/or upon a supervisor's observation of adversely affected work performance, upon learning of the employee's failure to report the pertinent information may result in disciplinary action.
 - 4) The employee whose name appears on the label of the vial shall not allow any other person to consume the prescribed drug.
 - 5) The employee shall not consume the prescribed drug more often or in larger quantities than as prescribed by the employee's physician and as set out on the label of the vial.
 - 6) The Human Resources Office may have a certifying scientist or a physician determine if use of a prescribed drug by an employee produces effects that may increase the risk of injury to the employee, other employees or the general public.
 - 7) The Human Resources Office may place such employee on medical leave pending reinstatement of employment with documentation from a certified scientist or physician stating the employee is authorized to return to work without restrictions.

- L. Drug and Alcohol Testing – Reasonable Suspicion
 - 1) Upon reasonable suspicion, management may require an employee to be tested for drugs and/or alcohol when it appears the employee’s work performance or on-the-job behavior is being affected by drugs and/or alcohol.
- M. Drug and Alcohol Testing – Work Related Accident
 - 1) An employee may be tested for drugs and/or alcohol if that employee suffers an on-the-job injury, or contributes to an on-the-job accident or injury to any other person.
 - 2) An employee involved in an accident while operating Pueblo owned vehicles and/or equipment shall be required to submit to a drug/alcohol test.
- N. Drug/Alcohol Testing - Random
 - 1) All employees are subject to random drug/alcohol testing.
 - 2) Random drug/alcohol testing will be at unscheduled and unannounced times.
 - 3) A non-biased random/blind selection process, conducted by the testing facility, will be used to assure equitable treatment in the random selection process.
- O. Positive and/or Invalid Results for Drug/Alcohol Tests
 - 1) An employee may be subject to disciplinary action if they test positive for drugs and/or alcohol, either through reasonable suspicion, work related accident or random testing.
 - 2) If an employee’s test results are invalid, the employee must retest the next business day. If the second test results are also invalid, the test will be considered a positive test and they may be subject to disciplinary action.
 - 3) To avoid disciplinary action, the employee may provide proof from a medical professional substantiating an invalid test result. Proof must be received within in three (3) business days after the second test.
- P. An employee who has a positive drug/alcohol test may elect to participate in a Drug and/or Alcohol Rehabilitation Assessment. The ability to do so will be determined on a case-by-case basis and approved through the chain of command.
- Q. If an employee elects to participate in the assessment, continued employment with the Pueblo may be contingent upon any recommendation provided during the assessment.
- R. Participation in the assessment does not guarantee the employee will not be subject to disciplinary action.
- S. Counseling
 - 1) Employees are encouraged to voluntarily seek assistance with drug and/or alcohol problems.
 - 2) Employees are encouraged to use the Pueblo’s Employee Assistance Program to address problems with drugs and/or alcohol.
 - 3) Employees who come forward and disclose to their supervisor that they have a drug and/or alcohol problem and request assistance and support to rehabilitate will be provided with assistance to address the problem.

Chapter 10 - Performance Management

1. General Performance Management Policy

The Pueblo of Laguna maintains a performance management system so employees have a clear understanding of the work expected from them. Employees are provided with regular performance management initiative through ongoing feedback. Feedback will provide information regarding their work performance relative to expectations and to identify performance that does not meet expectations. In addition to on-going performance feedback, an annual performance evaluation is conducted to identify merit pay increase.

2. Performance Evaluation Policy

Regular employees shall receive a performance evaluation at least once per year. The employee's job description and the Pueblo's Workforce Excellence program are key factors in the performance evaluation process.

Annual employee evaluations

- A. Increase the effectiveness of employees to ensure they fulfill the goals and objectives of their respective programs / departments;
- B. Ensure effectiveness in carrying out Workforce Excellence; and
- C. Determine areas for future professional growth of the employee.

An employee's performance score during the annual performance evaluation process will determine their eligibility for a merit increase.

Procedure

- A. A performance evaluation shall be used to evaluate an employee's past job performance and set standards for future performance.
- B. At the beginning of each review period, supervisors will be responsible for establishing specific objectives and performance standards consistent with program objectives and current job descriptions.
- C. The Human Resources Office shall maintain an approved performance evaluation mechanism. All employees shall be evaluated using the approved mechanism.
- D. The Human Resources Office shall monitor the completion of employee performance evaluations.
- E. The Human Resources Office shall issue procedures regarding performance evaluations and establish review periods and timelines for submissions of evaluations.
- F. Failure of a supervisor to submit evaluations by established timelines may result in disciplinary action of the supervisor.
- G. The employee's supervisor may conduct informal written evaluations throughout the year to aid in the development of employees.

- H. All evaluations shall be based on the following:
 - 1) The employee's job description;
 - 2) Documented standards of performance; and
 - 3) The employee's overall performance.
- I. The original completed evaluation shall be maintained in the Human Resources Office in the employee's personnel file.
- J. The employee shall be provided a copy of their performance evaluation.
- K. If an employee, other than an introductory employee, is dissatisfied with their performance evaluation results, they may request a Conflict Resolution session.

3. Merit Pay Increase

- A. Satisfactory Performance - An employee whose job performance is considered satisfactory, through the performance evaluation process, is eligible to receive a merit increase as defined in Chapter 6. Compensation Administration.
- B. Unsatisfactory Performance - An employee whose job performance is considered unsatisfactory, through the performance evaluation process, shall not be eligible to receive a merit increase as defined in Chapter 6. Compensation Administration. An employee may be afforded an opportunity to improve their unsatisfactory performance by entering into a Performance Improvement Plan.

4. Physical Performance Examinations

The Pueblo of Laguna may require employees in designated positions to possess and maintain the minimum physical qualifications necessary to perform essential duties of the position. Physical examinations may be required at the time of recruitment or throughout an employee's employment period.

Procedures

- A. The Human Resources Office shall be responsible for conducting and/or securing all physical examinations.
- B. The Human Resources Office shall maintain a database of all positions and the types of physical examinations required for affected positions.
- C. Employment in any affected position with the Pueblo of Laguna is contingent upon the results of the physical examination.
- D. Results of the physical examination shall be used to determine the employee's suitability for employment.
- E. All information gathered will be treated as confidential.
- F. The physical examination record and medical information of employee shall become a part of the confidential personnel files.
- G. Employees who occupy applicable positions may be subject to physical examinations as determined by outside funding guidelines or program standards.
- H. The physical examination will be obtained at the expense of the Pueblo of Laguna.
- I. Employees must take a physical examination within three (3) business days after the request is made from the Human Resources Office.
- J. In the event the employee does not meet the physical qualifications of the position; the employee may seek a second medical opinion by a physician of his or her choice. The employee shall assume responsibility for payment of this examination.

- K. If the opinions of the first physical examination and second physical examination are not in agreement, a third medical opinion will be obtained from a physician selected by the Pueblo of Laguna's designated physician and the employee's designated physician. The Pueblo of Laguna and the employee will equally share the cost of this third medical examination. The result of the third physician will be final in determining employment with the Pueblo of Laguna.

5. Performance Improvement Plan

A performance improvement plan is a plan implemented by an employee's supervisor that is designed to provide an employee with an outline of specific areas of performance requiring improvement. Employees who are performing at a less than satisfactory level, as indicated in the employee's performance evaluation, or at any time, through continued feedback resulting in the employee not meeting performance expectations, may be subject to a Performance Improvement Plan. The plan will provide an opportunity for the employee to address the deficiencies in performance.

Performance improvement plans may include on the job training, coaching, conferences, and/or workshops which are directly related to specific areas found to be deficient. Failure of an employee meeting the plan's requirements may result in disciplinary action, up to and including termination. The Human Resources Manager shall approve all Performance Improvement Plans prior to implementation.

Procedure

- A. The Human Resources Office shall maintain the official Performance Improvement Plan form.
- B. When a supervisor determines a Performance Improvement Plan is necessary, they shall consult with the Human Resources Manager to determine specific performance deficiencies and improvement requirements.
- C. The Human Resources Manager and Department Director shall approve all Performance Improvement Plans prior to implementation.

6. Professional Development Plan

Employees who have been promoted to a supervisory position and individuals who do not meet the minimum qualifications at the time of hire shall be subject to a Professional Development Plan. The Pueblo shall provide assistance and support to these employees to increase their effectiveness in their positions.

Professional development plans may include on the job training, coaching, conferences, and/or workshops which are directly related to the position the employee holds. Failure of an employee meeting the plan's requirements may result in disciplinary action, up to and including termination. The Human Resources Manager shall approve all Professional Development Plans prior to implementation.

Procedure

- A. The Human Resources Office shall maintain the official Professional Development Plan form.
- B. If an applicant who does not meet the minimum qualifications is selected for a position, a Professional Development Plan shall be developed and submitted with applicant's offer of employment.

- C. When an employee is promoted to a new position, a Professional Development Plan shall be developed and submitted with the employee's offer of employment.
- D. In the event a supervisor determines a Professional Development Plan would be beneficial for an employee's professional development, they shall consult with the Human Resources Manager to determine specific areas for development.
- E. The Human Resources Manager and Department Director shall approve all Professional Development Plans prior to implementation.

Chapter 11 - Employee Training and Development

1. General Training and Development Policy

The Pueblo of Laguna is committed to the development and personal growth of employees and potential employees from within the community. Both internal and external training programs are provided to employees to ensure a variety of resources are extended for their benefit. In-house programs are developed to address the specific needs of a department or to address overall performance effectiveness for the Pueblo government as a whole.

Training and career development programs in support of workforce excellence shall include, but not be limited to, internships, mentorship, and succession planning. Training and development may be paid for by the Pueblo of Laguna. Each request shall be handled on a case by case basis and is dependent upon the availability of funding within the employee's program.

Employees shall be subject to completion of each program in accordance with the terms set forth by the Pueblo of Laguna. In the event completion of the program is not achieved or the employee does not complete the agreed upon terms, the employee may be required to pay back funds expended for educational / training dollars to the Pueblo.

Chapter 12 - Employee Discipline

1. Conflict Resolution

In most cases, the Pueblo of Laguna expects the employee to make a valid attempt to resolve the situation at the department/program level. However, when a situation or continuing problem has not been resolved, the Pueblo shall provide employees with a method to address the conflict. Conflict Resolution is an informal, but structured process in which a neutral third party, the Human Resources Office, unless otherwise defined, helps disputing parties work through and resolve problems. Conflict resolution is designed to provide employees with an additional forum to resolve workplace conflicts. It is voluntary, and is not intended to replace or to modify current disciplinary procedures. Conflict resolution is available to all employees at any time. Information shared during conflict resolution is confidential and will not be disclosed unless all parties agree to disclosure.

Procedure

- A. The Human Resources Manager will schedule a conflict resolution session with the affected parties, within five (5) business days after the date the employee requested the conflict resolution session. The employee may request the session in person or in writing.
- B. All parties involved in the conflict resolution session will refrain from discussing the conflict resolution. Any documents or communication regarding the issue will be considered confidential outside of the conflict resolution session.
- C. The Human Resources Manager or their authorized designee, acts as a mediator ensuring that all parties involved are given a fair and timely opportunity to present their case regarding the conflict.
- D. The mediator must document the outcome of the conflict resolution. If the parties have come to an agreement, then the documented agreement and expected results must be signed by all parties.
- E. The Human Resources Manager shall provide the outcome of the conflict resolution to all affected parties within three (3) business days after the date of conflict resolution session.
- F. All employees are eligible and encouraged to use the Pueblo's Employee Assistance Program to work through personal or work related conflicts.
- G. Employees may also use conflict resolution during their IESP to address employment concerns and general employment issues.

2. Employee Discipline Policy

The Pueblo of Laguna shall establish and maintain standards of employee conduct and performance. The Pueblo uses progressive discipline to address misconduct, unacceptable personal or professional behavior or unsatisfactory job performance.

- A. The following are the Pueblo's progressive disciplinary steps:

- 1) Step 1 – Record of Discussion (ROD)
- 2) Step 2 – Documented Verbal Warning
- 3) Step 3 – Documented Written Warning
- 4) Step 4 – Suspension
- 5) Step 5 – Termination

A demotion may result in disciplinary action as indicated in Chapter 5 Changes in Assignment.

Disciplinary actions more severe than a Record of Discussion shall be documented on the approved Disciplinary Action Form. Disciplinary Action Forms and associated disciplinary action documentation shall remain in the employee's personnel file as identified in Attachment A.

It is the responsibility of employees to be aware of, and abide by, Pueblo policies and procedure. It is also the responsibility of employees to perform their duties as defined in their job description. An employee may consult with the Human Resources Office at any time during the disciplinary process.

Supervisors shall ensure consistent administration of the employee discipline policy and shall approach discipline objectively. With the approval of the Human Resources Manager, supervisors may deviate from the progressive discipline system if the policy violation is of a serious nature.

The Human Resources Manager may intervene in the disciplinary process to ensure fairness and consistency within the organization.

Supervisors shall initiate disciplinary action within three (3) business days of discovering the misconduct, unacceptable behavior or unsatisfactory job performance. If additional time is required to review the facts of the disciplinary action, the supervisor must request approval, in writing from the Human Resources Manager.

Procedure

- A. Employees are expected to abide by all policies and procedures outlined in this manual, standard operating procedures within their respective departments/programs and supervisor directives.
- B. When an employee's unacceptable personal or professional behavior results in unsatisfactory work performance or violation of policy and/or procedures, disciplinary action may be issued.
- C. Supervisors are expected to practice fair judgment and common sense when taking disciplinary action against an employee.
- D. The Human Resources Office shall be consulted, for policy interpretation, in all disciplinary actions more severe than a documented verbal warning.
- E. Employees may request a representative from the Human Resources Office be present during any disciplinary action discussion.
- F. All employees are eligible and encouraged to use the Pueblo's Employee Assistance Program to work through personal or work related conflicts.
- G. A supervisor shall consult with the Human Resources Manager prior to issuing a disciplinary action that deviates from the progressive discipline system.
- H. All disciplinary actions more severe than a Record of Discussion shall be documented on the approved Disciplinary Action Form.
- I. Record of Discussion Form shall contain the following:
 - 1) The employee's name and position title;
 - 2) The employee's Department and Program;
 - 3) The supervisor's name and position title;
 - 4) The employee's unacceptable behavior;
 - 5) Date(s) when the unacceptable behavior occurred;
 - 6) Location(s) where the unacceptable behavior occurred; and
 - 7) Counseling advice provided to the employee.

- J. Disciplinary Action Form shall contain the following:
- 1) The employee's name and position title;
 - 2) The employee's Department and Program;
 - 3) The supervisor's name and position title;
 - 4) The type of disciplinary action being imposed;
 - 5) The employee's unacceptable personal or professional behavior resulting in unsatisfactory work performance or violation of policy and/or procedure;
 - 6) Date(s) when the unacceptable behavior occurred;
 - 7) Location(s) where the unacceptable behavior occurred;
 - 8) Facts supporting the disciplinary action;
 - 9) Prior disciplinary action attempts to correct the unacceptable behavior OR justification for deviation from the progressive discipline system;
 - 10) Corrective action to be taken by the employee;
 - 11) The employee's response to the disciplinary action;
 - 12) The supervisor's signature;
 - 13) The employee's signature attesting to the receipt and understanding of the action taken and the expected behavior of the employee; and
 - 14) An explanation of the employee's right to appeal the discipline through the Discipline Appeal Process and the Grievance Policy.
- K. Types of Disciplinary Action:
- 1) RECORD OF DISCUSSION
 - a) When a supervisor identifies an employee's unacceptable behavior, the supervisor shall initiate a private discussion between the employee and supervisor.
 - b) The supervisor will provide counseling to the employee and provide information as to how the employee can correct unacceptable behavior.
 - c) The supervisor will document the discussion by using the approved Record of Discussion Form.
 - d) An employee may request a representative from the Human Resources Office be present during a Record of Discussion.
 - e) The Record of Discussion will not be placed in the employee's official personnel file but will remain with the supervisor and may be used as a reference for future disciplinary action if the unacceptable behavior continues.
 - f) An employee who does not agree with the outcome of the discussion may request to address the issue through Conflict Resolution.
 - 2) DOCUMENTED VERBAL WARNING
 - a) When a supervisor identifies an employee's unacceptable behavior that warrants a documented verbal warning, the supervisor shall initiate a discussion with the employee within three (3) business days after discovery of the unacceptable behavior.
 - b) In the event a supervisor needs more time to investigate the disciplinary issue, they may request an extension from the Human Resources Manager prior to the end of the three (3) business day period.
 - c) The supervisor will document the verbal warning by using the approved Disciplinary Action Form.
 - d) A private discussion between the employee and supervisor will occur to address the Disciplinary Action Form, to discuss the corrective action to be taken, and to outline the expected behavior of the employee.
 - e) An employee may request a representative from the Human Resources Office be present during a documented verbal warning.

- f) An employee who does not agree with a documented verbal warning may request to address the issue through Conflict Resolution.
 - g) A documented verbal warning may stay in the employee's personnel file for up to one (1) year.
- 3) DOCUMENTED WRITTEN WARNING
- a) A documented written warning may be issued after a documented verbal warning has been issued to the employee and corrective action has not resulted in acceptable behavior or if the unacceptable behavior warrants a deviation from the progressive discipline system.
 - b) When a supervisor identifies an employee's unacceptable behavior that warrants a documented written warning, the supervisor shall initiate a documented written warning within three (3) business days after discovery of the unacceptable behavior.
 - c) In the event a supervisor needs more time to investigate the disciplinary issue, they may request an extension from the Human Resources Manager prior to the end of the three (3) business day period.
 - d) The supervisor will document the written warning by using the approved Disciplinary Action Form.
 - e) A private discussion between the employee and supervisor will occur to address the Disciplinary Action Form, discuss the corrective action to be taken and the expected behavior of the employee.
 - f) An employee may request a representative from the Human Resources Office be present during a documented written warning.
 - g) An employee who does not agree with a documented written warning may request to address the issue through the Disciplinary Appeal Process.
 - h) A documented written warning may stay in the employee's personnel file for up to one (1) year and no longer than three (3) years.
- 4) SUSPENSION
- a) A suspension may be issued after a written warning has been issued to the employee and corrective action has not resulted in acceptable behavior or if the unacceptable behavior warrants a deviation from the progressive discipline system.
 - b) When a supervisor identifies an employee's unacceptable behavior that warrants a suspension, the supervisor shall initiate the suspension within three (3) business day of discovery of the unacceptable behavior.
 - c) In the event a supervisor needs more time to investigate the disciplinary issue, they may request an extension from the Human Resources Manager prior to the end of the three (3) business day period.
 - d) The length of the suspension shall be determined by the severity of the unacceptable behavior and whether or not an investigation needs to occur.
 - e) If an investigation is necessary to determine the facts surrounding the unacceptable behavior, an employee may be placed on Unpaid Administrative Leave pending the outcome of the investigation.
 - f) The supervisor will document the suspension by using the approved Disciplinary Action Form.
 - g) The supervisor and a representative from the Human Resources Office shall:
 - 1. Meet with the employee;
 - 2. Provide the employee with the Disciplinary Action Form;
 - 3. Discuss the corrective action to be taken with the employee; and
 - 4. Discuss the expected behavior of the employee with the employee.

- h) A suspension may stay in the employee's personnel file indefinitely.
 - i) An employee who does not agree with a suspension may request to address the issue through the Discipline Appeal Process.
- 5) TERMINATION
- a) A termination shall be initiated if previous attempts at the progressive discipline system have not resulted in acceptable behavior of the employee or if the unacceptable behavior warrants a deviation from the progressive discipline system.
 - b) When a supervisor identifies an employee's unacceptable behavior that warrants a termination, the supervisor shall initiate the termination within three (3) business days of discovery of the unacceptable behavior.
 - c) In the event a supervisor needs more time to investigate the disciplinary issue, they may request an extension from the Human Resources Manager prior to the end of the three (3) business day period.
 - d) If an investigation is necessary to determine the facts surrounding the unacceptable behavior, an employee may be placed on Unpaid Administrative pending the outcome of the investigation.
 - e) The supervisor will document the termination by using the approved Disciplinary Action Form.
 - f) The supervisor and a representative from the Human Resources Office shall provide the employee with the Disciplinary Action Form and discuss the separation of employment procedures with the employee.
 - g) A termination may stay in the employee's personnel file indefinitely.
 - h) A termination will be effective immediately upon issuance of the Disciplinary Action Form.
 - i) An employee who does not agree with a termination may request to address the issue through the Discipline Appeal Process.
- L. Causes for Disciplinary Action - Types of unacceptable behavior which will normally result in progressive discipline include, but are not limited to:
- 1) Excessive absenteeism, tardiness, extended breaks or meal periods;
 - 2) Unsatisfactory performance of a job duty;
 - 3) Failure to follow policies or procedures;
 - 4) Disorderly conduct including disruptive behavior, negative outlook, and lack of cooperation;
 - 5) Personal appearance violations;
 - 6) Failure to comply with supervisor directives;
 - 7) Insubordination;
 - 8) Unauthorized release of confidential information or official records;
 - 9) Discourteous treatment of the public or other employees;
 - 10) Disrepute and the organization;
 - 11) Engaging in and/or maintaining outside employment without proper approval;
 - 12) Sleeping on duty;
 - 13) Neglect of duty;
 - 14) Unauthorized absence;
 - 15) Failure to complete performance evaluations as required;
 - 16) Performing activities for personal gain when on the job including, but not limited to, campaigning for political office while on duty;
 - 17) False witness against employee(s);
 - 18) Offer of employment by unauthorized personnel; and
 - 19) Violation of safety regulations.

- M. Types of unacceptable behavior, which may result in deviation from the progressive discipline system include, but are not limited to:
- 1) Personal or professional conduct resulting in an adverse impact to the employee's suitability in their position and/or rendering the employee unsuitable or unqualified for the position;
 - 2) Personal or professional conduct preventing the employee from satisfactorily performing the duties and responsibilities of their position;
 - 3) Theft or malicious damage of Pueblo of Laguna property;
 - 4) Misuse of Pueblo of Laguna funds or property;
 - 5) Solicitation or acceptance of bribes or kickbacks;
 - 6) Acceptance of gifts in excess of \$250;
 - 7) False statement(s) of material fact in employment applications or related documentation;
 - 8) Being charged, arrested or convicted of a crime by any police department/jurisdiction;
 - 9) Fraud and/or conspiracy to commit fraud;
 - 10) Perjury in court, or before any governing body of the Pueblo of Laguna;
 - 11) Altering, concealing, falsifying, removing, mutilating, obliterating, or destroying Pueblo of Laguna records or documents;
 - 12) Abuse of position;
 - 13) Failure to directly call or report to the immediate supervisor for three (3) consecutive working days;
 - 14) Violation of any provision contained in the Pueblo of Laguna General Harassment Policy;
 - 15) Violation of any provision contained in the Pueblo of Laguna Sexual Harassment Policy;
 - 16) Violation of any provision contained in the Pueblo of Laguna Workplace Violence Policy;
 - 17) Violation of any provision contained in the Pueblo of Laguna Drug and Alcohol Policy;
 - 18) Failure to participate in or complete Drug and Alcohol Rehabilitation Plan as directed; and
 - 19) Possession of unauthorized firearms/weapons in the workplace;

3. Discipline Appeal Process

An employee may only file a disciplinary appeal to contest a disciplinary action resulting in a documented written warning, suspension, termination or demotion. Appeals must go through the discipline appeal process prior to going through the Grievance Policy process.

- A. Employees may appeal to the following:
- 1) Employees who work within departments under the COO shall submit their discipline appeal to their respective Department Director;
 - 2) Employees who work within the Accounting Department and Enrollment Office shall submit their discipline appeal to the appropriate supervisor or equivalent department director as identified by Human Resources;
 - 3) Employees who work within the TGRA shall submit their discipline appeal to the Executive Director;
 - 4) Employees who work within the Judicial Branch shall submit their discipline appeal to the Chief Judge
 - 5) Employees who work report directly to the Elected Officials, COO, CFO, Chief Judge, TGRA Executive Director or Government Affairs Director shall take their discipline appeal directly through the Grievance Policy process.

- B. The basis for an appeal may be for one or more of the following:
- 1) The employee believes the discipline was not for cause;
 - 2) The documentation is not adequate or complete enough to substantiate the discipline; or
 - 3) The amount or type of discipline is inappropriate to the charge.

Discipline appeals shall be submitted to the Human Resources Office within three (3) business days of the disciplinary action. When filing an appeal, employees must use the approved Disciplinary Action Appeal Form. It is the employees' responsibility to follow the steps of the discipline appeal process as defined in the procedure. Failure to follow the appropriate procedure or to adhere to the timeline will lead to a dismissal of the appeal without further consideration of merit.

If the manager in the process fails to respond within three (3) days of receiving the discipline appeal, and does not notify the employee that additional time for inquiry is required, the employee is free to have their qualified disciplinary action heard through the Grievance Policy process.

The Human Resources Office shall monitor timeframes associated with the grievance process. The timelines shall be communicated to the employee and affected supervisors at each step of the discipline appeal process. The Human Resources Office shall provide technical assistance to the employee filing the discipline appeal and maintain impartiality throughout the Discipline Appeal process.

No employee shall be subjected to discrimination, retaliation, or adverse treatment for filing an appeal.

Procedure

- A. Employees must submit a discipline appeal to the Human Resources Office within three (3) business days after the date the Disciplinary Action Form was issued to the employee.
- B. When filing a discipline appeal, employees must use the approved Disciplinary Action Appeal Form.
- C. The approved Disciplinary Action Appeal Form shall contain:
 - 1) Employee Name;
 - 2) Position title;
 - 3) Department and Program;
 - 4) The supervisor's name;
 - 5) Specific basis for the appeal;
 - 6) A clear and concise statement regarding the circumstances leading to the disciplinary action and appeal;
 - 7) Resolution employee is seeking;
 - 8) Names of other parties involved;
 - 9) Signed witness statements; and
 - 10) The employee's signature.
- D. Failure by an employee to submit all pertinent documentation within the timelines will result in the discipline appeal being dismissed and the disciplinary action being upheld.
- E. All discipline appeal documents will be time stamped and filed with the Human Resources Office.
- F. The Human Resources Office will provide technical assistance to the employee filing the discipline appeal, as well as other affected parties. The Human Resources representative will maintain impartiality in all discipline appeal situations.
- G. The Department Director (or equivalent level position) shall respond, in writing, to the discipline appeal within three (3) business days after the submission of the discipline appeal.

- H. Within that three (3) business day period, the Department Director (or equivalent level position) may choose to meet with the employee and/or supervisor to discuss the discipline appeal and the disciplinary action.
- I. When such a meeting occurs, the Department Director (or equivalent level position) shall respond, in writing, to the discipline appeal within three (3) business days after the meeting.
- J. In the event any party requires additional time to review the facts regarding the disciplinary action or to come to a determination, a written request must be submitted to the Human Resources Manager prior to or on the due date of the response.
- K. When the discipline appeals response is ready for presentation to the employee, the Human Resources Office shall make an attempt to contact the employee via telephone or through email to inform them the discipline appeal response is available for the employee to obtain from the Human Resources Office in person.
- L. If the discipline appeal response is not picked up within one (1) business day after it is submitted, it will be mailed via certified mail to the employee's address on file.
- M. All parties involved in the discipline appeal shall refrain from discussing the matter outside the discipline appeal process.
- N. Any documents or communication regarding the issue shall be considered confidential.
- O. Subsequent unacceptable behavior by the employee during the discipline appeal process may result in separate disciplinary action(s).
- P. No outside representation is allowed in the discipline appeal process but the employee submitting the discipline appeal may submit written witness statements.
- Q. At any point during the discipline appeal process, the employee may withdraw the appeal.
- R. Failure by the Department Director (or equivalent level position) render a decision within the timelines will result in the appealing employee being allowed to take a suspension or termination to the next level - Grievance Policy.
- S. After the above-outlined steps have been taken, an employee may appeal a suspension, demotion or termination action to the Grievance Policy level.

Chapter 13 – Grievance

1. General Grievance Policy

Once an issue has been through Disciplinary Appeals Process, and the employee is still not satisfied with the outcome, they may have their case heard through the Grievance Policy process. Only suspensions, demotions and terminations may go through the Grievance Policy process.

An employee may have outside representation during the Grievance Policy Process.

The following are the Grievance Policy steps:

A. Step 1

Depending on which Pueblo of Laguna department the employee works within; their grievance shall be heard as follows:

- 1) Grievances of employees who work within departments under the COO shall be heard by the COO;
- 2) Grievances of employees who work within the Accounting Department shall be heard by the CFO;
- 3) Grievances of employees who work within the Enrollment Office, TGRA and the Judicial Branch shall have their grievance heard beginning at Step 2
- 4) Grievances of all employees who report directly to the Elected Officials, COO, CFO, Chief Judge, Governmental Affairs Director or TGRA Executive Director shall have their grievance heard beginning at Step 2

Grievances shall be submitted to the Human Resources Office within five (5) business days of receipt of the disciplinary action appeal response. When filing a grievance, employees must use the approved Grievance Form. It is the employee's responsibility to follow the steps of the grievance process as defined in the procedure. Failure to follow the appropriate procedure or to adhere to the timeline will lead to a dismissal of the grievance without further consideration of merit.

If the COO or CFO fail to respond to the grievance within five (5) days of receiving the grievance, and does not notify the employee that additional time for inquiry is required, the employee is free to take their grievance to Step 2.

If a grievant is not satisfied with the decision of the COO or CFO, they may proceed to Step 2.

B. Step 2

The Grievance Committee shall be comprised of three (3) members. The Pueblo of Laguna Human Resources Office shall identify three (3) employees from different Pueblo of Laguna entities. In the event the representative cannot be available for the entire grievance process; the Pueblo of Laguna Human Resources Manager may select an alternate to serve in their place. In the event there is a conflict of interest with a member or potential member of the Grievance Committee, the Human Resources Manager shall select an alternate representative. The alternate representative shall be from their respective entity.

Grievances shall be submitted to the Human Resources Office within five (5) business days of receipt of the COO or CFO's response.

The Grievance Committee shall call for a hearing to be held within ten (10) business days of receipt of the grievance by the Committee. The hearing process shall, at a minimum, include:

- 1) Testimony and relevant evidence on behalf of the employee;
- 2) Testimony and relevant evidence on behalf of the supervisor;
- 3) Deliberation by the Committee;
- 4) Rendering of Decision by vote; and
- 5) Written Committee decision

The Grievance Committee shall have five (5) business days to render a decision. The grievant and the supervisor shall receive, in writing, the determination of the Grievance Committee within five (5) business days after the rendering of the decision.

The decision of the Grievance Committee regarding any grievance is final and there will be no further appeal process afforded to the employee.

The Human Resources Office shall monitor timeframes associated with the grievance process. The timelines shall be communicated to the employee and affected supervisors at each step of the discipline appeal process. The Human Resources Office shall provide technical assistance to the employee filing the discipline appeal and maintain impartiality throughout the Discipline Appeal process.

No employee shall be subjected to discrimination, retaliation, or adverse treatment for filing a grievance.

Failure to maintain confidentiality during the grievance process may result in disciplinary action, up to and including termination.

Procedure

- A. Employees must submit a grievance to the Human Resources Office within five (5) business days after the date the Discipline Appeal response was issued to the employee.
- B. When filing a grievance, employees must use the approved Grievance Form.
- C. The Human Resources Office shall provide the approved Grievance Form shall be provided to the employee and the form shall be maintained on the Pueblo's computer system.
- D. STEP 1
 - 1) When the Grievance Form and any pertinent documentation has been presented to the Human Resources Office within five (5) business days of receipt of the Discipline Appeal response, the grievance and relevant documentation shall be provided to the responding party within one (1) business day after the date of receipt.
 - 2) The responding party shall respond, in writing, to the grievance within five (5) business days after receipt by the Human Resources Office.
 - 3) Within the five (5) business day period, the responding party may choose to meet with the employee, supervisor or other witness to discuss the grievance.
 - 4) When such a meeting occurs, the responding party shall respond, in writing, to the grievance within five (5) business days after the meeting.
 - 5) If an employee is not satisfied with the decision of at this step of the grievance process, they may proceed to STEP 2

- E. STEP 2 - Grievance Committee
- 1) Once the Grievance Form and any pertinent documentation has been presented to the Human Resources Office within five (5) business days of receipt of the Discipline Appeal response or the Step 1 response (as determined by policy), the Human Resources Manager shall call a meeting shall call a meeting of the Grievance Committee and provide the grievance and relevant documentation to the Grievance Committee within three (3) business days after receipt of the Grievance.
 - 2) The Grievance Committee shall call for a hearing to be held within ten (10) business days after receipt of the grievance documents.
 - 3) The Grievance Committee's decision shall be made within five (5) business days after the date of the hearing. The decision shall be in writing and signed by all of the members of the Grievance Committee.
 - 4) The Hearing Process - The hearing process shall be pre-determined by the representatives of the Grievance Committee and shall include at the minimum:
 - a) Testimony and relevant evidence on behalf of the Grievant;
 - b) Testimony and relevant evidence on behalf of the Supervisor;
 - c) Deliberation by the Committee;
 - d) Rendering of Decision by vote; and
 - e) Written Committee Decision.
 - f) If requested by the Grievance Committee, legal counsel may be provided by the Pueblo.
 - 5) The grievant and the supervisor will be provided, in writing, the determination of the Grievance Committee within five (5) business days after the rendering of the decision.
- F. The Human Resources Office will provide technical assistance to the employee filing the grievance, as well as other affected parties. The Human Resources representative will maintain impartiality and confidentiality in all grievance cases.
- G. At any point during the grievance process, the employee may withdraw the grievance.
- H. All grievance documents will be time stamped and filed with the Human Resources Office.
- I. Failure by an employee to submit all pertinent documentation within the timelines will result in the grievance being dismissed and the disciplinary action being upheld.
- J. In the event any party requires additional time to review the facts of the grievance to come to a determination or to review a grievance response, a written request must be submitted to the Pueblo of Laguna Human Resources Manager prior to or on the due date of the response.
- K. When a grievance response is ready for presentation to the employee, the Human Resources Office shall make an attempt to contact the employee via telephone or through email to inform them the grievance response is available for the employee to obtain from the Human Resources Office in person.
- L. If the grievance response is not picked up within one (1) business day after it is submitted, it will be mailed via certified mail to the employee's address on file.
- M. All parties to a grievance shall refrain from discussing the grievance outside the formal grievance process, and any documents or communication regarding the issue shall be considered confidential.
- N. Subsequent unacceptable behavior by the employee, during the grievance process, may result in separate disciplinary action(s).
- O. Any action regarding the position the employee occupies may be placed on hold until such time the grievance is resolved or a final decision is rendered.
- P. No employee will be subject to retaliation of any type for filing a grievance. Any person who retaliates against any employee for filing a grievance will be subject to disciplinary action, including termination.

- Q. All documents specifically related to a grievance will be kept separate from the Employee's current personnel or termination file.

Chapter 14 - Separation of Employment

1. General Separation of Employment Policy

Separation of employment with the Pueblo of Laguna can occur for different reasons. Employment may end as a result of resignation, retirement, end of assignment, reduction in workforce or termination. If an employee returns to employment with the Pueblo, they may be eligible for a “bridge of service”.

2. Resignation

Resignation is a voluntary act initiated by the employee to end employment with the Pueblo of Laguna. The employee must provide, in writing, a minimum of two (2) work weeks’ notice prior to resignation. A supervisor may accept an earlier date to end employment. Employees who resign their position with the Pueblo, in accordance with policies and procedures, are eligible for PTO payout.

Procedure

- A. An employee may voluntarily terminate employment with the Pueblo of Laguna by submitting a letter of resignation.
- B. The employee resigning shall give at least two (2) work weeks’ notice, unless the supervisor approves to the employee leaving sooner.
 - 1) With approval of the Human Resources Manager, a supervisor may choose to end the employee’s employment prior to the employee’s anticipated separation date.
- C. An employee who resigns their position from the Pueblo of Laguna will be eligible for a bridge of service credit if they are re-hired by the Pueblo of Laguna at a later date.

3. Termination

The Pueblo of Laguna may terminate an employee, for cause due to violation of policies or procedures, poor job performance, job abandonment or misconduct. An employee may be terminated during their Introductory Employment Status Period (IESP) without cause. Depending on the severity of infraction, terminated employees may not be deemed suitable for future employment with the Pueblo of Laguna. Employees who are terminated from the Pueblo are not eligible for PTO payout.

Procedure

- A. Involuntary termination may occur at any time during the employment relationship.
- B. Supervisors shall ensure that all applicable steps of the employee discipline policy have been followed in order to manage unacceptable job performance.
- C. A supervisor, with consultation of the Human Resources Manager may recommend termination with appropriate documentation, and the specific reasons for the termination.
- D. The supervisor shall notify the employee, in writing, of the termination and the specific reasons for the termination using the Disciplinary Action Form.
- E. Any employee who has been terminated for cause shall not be entitled to payment of accrued PTO.
- F. An employee who is still in the Introductory Period of employment may be terminated at any time.
- G. The Human Resources Manager or a Human Resources Representative shall be present when the termination notice is being given to the employee.

4. Furlough/Reduction in Force

A reduction in force or furlough of employees may occur due to a number of reasons. The Pueblo of Laguna may be faced with economic hardship, the need for redesign, or other factors which require either a furlough or reduction in the work force.

Procedure

A. Furlough

- 1) A Furlough includes those where there is a reasonable expectation for reinstatement in the future. Examples of situations where furloughs may occur include, but are not limited to, temporary lack of funding or lack of work.
- 2) When considering the employment status of multiple employees who may be affected by a furlough, the following factors may be given equal consideration:
 - a) Seniority date of the employee;
 - b) Length of time in the position;
 - c) Job performance;
 - d) Education;
 - e) Training;
 - f) Work history (relevant experience); and
 - g) Suitability for the position.
- 3) Except in the case of unforeseen circumstance, employees will receive three (3) business days' notice of a furlough. Every effort will be made to provide employees with as much advanced notice as possible by the Human Resources Office and the Department Director responsible for the affected employee.
- 4) Furloughs which continue beyond thirty (30) calendar days will be considered reductions in force for purposes of this policy, unless monies have been guaranteed from the funding source for a specific future date or an extension has been requested by the Department Director.
- 5) Whenever a furlough is necessary, the Department Director shall notify, in writing, the Human Resources Manager of the proposed furlough no later than thirty (30) days prior to the anticipated furlough. The documented notification may include the following:
 - a) The reason for the furlough;
 - b) Number of positions and job titles affected by the furlough; and
 - c) The expected date of the furlough.
- 6) The employee's health insurance benefits will continue through the end of the month following thirty (30) calendar days from when the employee is first placed on furlough, provided the employee pays their share of the premium(s).
- 7) The Pueblo of Laguna will continue to pay the employer's portion of health insurance benefits through the end of the month following the thirty (30) calendar days from when the employee was placed on furlough.
- 8) While on furlough status, the employee must continue to make their portion of the premium payment, whether in person or by mail. The payment must be received in the Accounting Department by the 15th day of the month the premium is due.
- 9) Employees affected by a furlough are not eligible to receive severance pay.
- 10) Employees affected by a furlough are not eligible to receive PTO payout or use PTO while on furlough status.

B. Reduction In Force

- 1) Reductions in force include those situations where there is no expectation of rehiring the employee to the position they held prior to the reduction in force. Examples of situations where reductions in force may occur include, but are not limited to, loss of funding or department/program redesign.
- 2) When considering the employment status of multiple employees who may be affected by a reduction in force, the following factors may be given equal consideration:
 - a) Seniority date of the employee;
 - b) Length of time in the position;
 - c) Job performance;
 - d) Education;
 - e) Training;
 - f) Work history (relevant experience); and
 - g) Suitability for the position.
- 3) Except in the case of unforeseen circumstances, employees will receive at least ten (10) business days' notice of a reduction in force. Every effort will be made to provide employees with as much advanced notice as possible by the Human Resources Office and the Department Director responsible for the affected funding.
- 4) Whenever a reduction in force is necessary, the Department Director shall notify, in writing, the Human Resources Manager of the proposed reduction in force no later than thirty (30) days prior to the anticipated reduction in force. The documented notification may include the following:
 - a) The reason for reduction in force;
 - b) If applicable, department/program redesign approval;
 - c) Number of positions and job titles affected by the reduction in force; and
 - d) The expected date of reduction in force.
- 5) Department Directors must consider and intend to pay all costs of obligations associated with reductions in force.
- 6) An employee who is affected by a reduction of force will be eligible for a bridge of service credit if they are re-hired by the Pueblo of Laguna at a later date.
- 7) The employee's health insurance benefits will continue through the end of the month in which the employee is first placed on a reduction of force; provided the employee pays their share of the premium(s).
- 8) If applicable, the employee must continue to make their portion of the premium payment, whether in person or by mail. The payment must be received in the Accounting Department by the 15th day of the month the premium is due.
- 9) Upon being affected by a reduction in force, an employee will be paid their accrued PTO within the next regular payroll cycle.

C. Preferential Consideration

- 1) Employees scheduled for reduction in force may receive preferential consideration for selection to a job vacancy for which they meet minimum job qualifications.
- 2) Employees who chose to be placed on the preferential consideration list will be required to complete an official Pueblo of Laguna application form to be considered for a job vacancy.
- 3) The Human Resources Office will identify positions for which the employee meets minimum job qualifications.
- 4) Preferential consideration will continue for a period of four (4) calendar months after the onset of a reduction of force.

- 5) Employees who accept a preferential consideration position will be paid within the wage range of the position.
- 6) Employees must meet minimum job qualification for the position in question and must demonstrate competency within ninety (90) calendar days of placement into the position.
- 7) Once an employee is hired into a preferential consideration job vacancy, all other reduction in force benefits are forfeited.
- 8) Employees not demonstrating competencies within ninety (90) calendar days will be terminated from employment with the Pueblo and will no longer be considered for preferential consideration positions.
- 9) Separation dates for employees not reinstated within the four (4) calendar month period of preferential consideration will be the employees' last day worked to the onset of the reduction in force.
- 10) Employment anniversary dates of employees reinstated within the four (4) calendar month period of preferential consideration will not be affected.

D. Severance

- 1) Employees affected by a reduction in force will be eligible for severance pay as provided in the severance pay schedule if following the four (4) calendar month period of preferential consideration in selection, they have not been reinstated.
- 2) An employee who declines preferential consideration upon being notified of a reduction in force will be eligible for severance pay. Severance will be paid out within the next regular payroll cycle.
- 3) Employees who chose to be placed on preferential consideration at the onset of a reduction in force and subsequently decide to no longer be considered for preferential consideration will be eligible for severance pay. Severance will be paid out within the next regular payroll cycle.
- 4) The severance pay schedule is identified in Chapter 6 – Compensation Administration.

- E. The Chief of Operations will approve all furloughs and reductions in force actions prior to the implementation date.

5. End of Assignment

The separation of an employee will occur when there is an end of temporary or seasonal employment.

Procedure

- A. When possible, temporary employees will be informed of the anticipated end date of the assignment upon hire.
- B. When the end date of the assignment is unforeseeable, the supervisor shall notify the employee of the end of assignment date as soon as possible.

6. Retirement

Employees who wish to retire are required to provide a minimum of two (2) weeks' notice prior to the planned retirement date. Additionally, employees are eligible for retirement upon reaching or attaining the specified age as provided in the 401(k) retirement plan and/or the applicable federal standard age. Employees who retire from the Pueblo are eligible for PTO payout.

Procedure

- A. An employee wishing to retire from the workforce may end their employment with the Pueblo of Laguna by submitting a letter of resignation.

7. Return of Property

The separating employee must return all Pueblo property at the time of separation. In the event an employee does not return all Pueblo property, and that employee is eligible for PTO payout, the cost to replace the property may be deducted from the employee's final paycheck or PTO payout.

Procedure

- A. Supervisors shall ensure the employee returns all property by the exit interview date.
- B. The employee may make arrangements to leave all Pueblo owned property with the Human Resources Office during the exit interview.
- C. Failure to return all Pueblo owned property by the exit interview date may result in withholding of the value of the property from the employee's final paycheck.

8. Exit Interview

An Exit Interview shall occur for all employees who leave employment with the Pueblo. The separating employee shall contact the Human Resources Office to schedule an exit interview.

Procedure

- A. In the event of a resignation, retirement, or end of assignment, the supervisor will inform the Human Resources Office upon learning of the employee's separation date.
- B. In the event of a termination, the interview will either take place at the termination session or be scheduled to occur at a later date.
- C. The Human Resources Office will contact the employee to determine the preferred method to conduct the interview.
- D. The interview shall be conducted as close to the employee's separation date as possible.

Chapter 15 - Personnel Files

1. General Personnel Files Policy

The Human Resources Office shall establish and maintain official personnel files. Personnel files shall be located at the Human Resources Office under restricted access. Personnel files shall be kept on file in accordance with the Pueblo's Record Retention Policy.

2. Contents

Personnel files shall include information relevant to employment with the Pueblo of Laguna such as, employment applications; background investigations; letters of reference; pay and benefits; training and education; performance evaluation; corrective or termination actions; and other necessary information as specified by the Human Resources Office.

3. Updating

Personnel files will be maintained and kept current by ensuring information regarding experience, education, certification and training is reviewed and updated on a regular basis.

4. Confidentiality

Information in an employee's personnel file is confidential. However, the information may be disclosed in compliance with a lawful investigation or subpoena.

5. Examination of File by Employee

Upon written request, an employee shall have the right to examine and/or receive a copy their personnel file.

6. Release of Information

All personnel files are confidential and disclosure shall be limited to appropriate individuals.

7. Personnel Action Forms

A personnel action form is required any time the employment status of an employee is affected through a change in job classification, job performance, compensation, disciplinary action, or benefits.

Attachment A

Warning Type	Purpose	Documentation Form	Length of Record Retention	Resolution Process
Record of Discussion	When problematic or unacceptable behavior of an employee is identified. The supervisor shall provide this communication in person to alert the employee of the problem that exists. This communication shall consist of a conversation between the supervisor and the employee to address the unacceptable behavior. The supervisor should identify ways the employee can improve their deficiencies.	Record of Discussion	Will not be placed in the Personnel file but supervisor may keep for a period of one year	Conflict Resolution
Documented Verbal Warning	When problematic or unacceptable behavior continues after the record of discussion has occurred. The supervisor shall provide this documented communication in person to address the seriousness of the continued problem.	Disciplinary Action Form	Up to a period of one year	Conflict Resolution
Written Warning	When problematic or unacceptable behavior continues after the verbal warning has been issued and the employee has not taken action to correct the behavior that resulted in less severe discipline. The supervisor shall provide this documented	Disciplinary Action Form	A period of at least one (1) year but up to a period of three (3) years	Disciplinary Appeal Process

	communication in person to address the seriousness of the continued problem.			
Suspension	When problematic or unacceptable behavior continues after the written warning has been issued and the employee has not taken action to correct the behavior that resulted in less severe discipline. Suspension, or the temporary removal of an employee from a position that results in a loss of pay, for an appropriate period shall occur.	Disciplinary Action Form	Duration of employment	1st Step - Discipline Appeal Process 2nd Step - Grievance
Demotion	A demotion may occur when an employee is not capable of performing the duties of the position and has not completed a Performance Improvement Plan or has been found to have violated Pueblo of Laguna policies or procedures.	Personnel Action Form	Duration of Employment	1st Step - Discipline Appeal Process 2nd Step - Grievance
Termination	An employee shall be terminated when the employee's continued problematic or unacceptable behavior has not improved using the progressive discipline system. Termination is the separation from employment initiated by the Pueblo due to the employee's continued unacceptable behavior.	Disciplinary Action Form	Duration of employment	1st Step - Discipline Appeal Process 2nd Step – Grievance

Definitions

Adjudicator – A certified individual who reviews all of the information from a background investigation makes a decision whether or not an applicant is suitable for employment for the position to which they applied.

Applicant - A person who seeks employment work at the Pueblo's facilities who completes an official application form and submits in line with the Pueblo's Recruitment and Selection criteria.

Background Investigation - The process of verifying information supplied by applicants who are being considered for employment, including, but not limited to, contacting former employers, obtaining educational records and requesting criminal records and / or consumer credit reports.

Benefits - A form of indirect compensation designed to provide employees added protection, promote goodwill and reward employment. It usually takes a form other than money. Benefits are typically extended to employees as well as their immediate family members.

Bridge of Service - The retention of prior credited Pueblo employment periods by employees who return to Pueblo employment.

Business Day – Monday through Friday between the hours of 8:00 am and 4:30 pm, except for approved Pueblo of Laguna holidays.

Conflict of Interest - Refers to situations when an individual has other competing financial, professional or personal obligations or interests that interfere with his or her ability to adequately perform required job duties in a fair and objective manner.

Conflict Resolution - A private negotiation and decision-making process in which a mediator assists individuals or groups in finding a resolution to a particular issue or conflict.

Disciplinary Action - The means of reprimanding employees who fail to abide by the organization's performance standards, policies or rules.

Documentation - Refers to written notices, records, forms, memos, letters, emails and so forth used during disciplinary action.

Drug Testing - The process of testing employees to detect the presence of illegal / prohibited drugs or alcohol within their system. Drug testing can be conducted on a pre-employment, reasonable suspicion, random or work related accident basis.

Employee Assistance Program – A work based intervention program designed to identify and assist employees in resolving personal problems (i.e., marital, financial or emotional problems, family issues, substance / alcohol abuse) that may be adversely affecting the employee's performance.

Employment Agreement - A formal, legally binding agreement between the Pueblo and employee outlining terms of employment such as duration, compensation, benefits, employment conditions, etc.

Excessive Computer Use – Use of the Pueblo’s computer systems to the extent that the use interferes with normal job functions, responsiveness, or the ability to perform daily job activities.

Exit Interview - An interview conducted at the time of an employee’s separation of employment, used to identify the underlying factors behind the employee’s separation.

Fair Labor Standards Act (FLSA) - An act that covers public agencies and businesses engaged in interstate commerce or providing goods and services for commerce. The FLSA provides guidelines on employment status, child labor, minimum wage, overtime pay and record-keeping requirements. It determines which employees are exempt from the Act (not covered by it) and which are nonexempt (covered by the Act). It establishes wage and time requirements when minors can work. It sets the minimum wage that must be paid and mandates when overtime must be paid.

Family and Medical Leave Act of 1993 (FMLA) - The Family and Medical Leave Act (FMLA) allows employees who have met minimum service requirements (12 months employed by the company with 1,250 hours of service in the preceding 12 months) to take up to 12 weeks of unpaid leave per year for: (1) a serious health condition; (2) to care for a family member with a serious health condition; (3) the birth of a child; or (4) the placement of a child for adoption or foster care.

Health Insurance Portability and Accountability Act (HIPAA) of 1996 - The Act was enacted to make health insurance more "portable" from one employer to another. The law mandates procedures for both new hires and for existing employees who are leaving the company. Employees who are new to a company can use evidence of previous health care coverage that is provided by their former employer to reduce or eliminate the new employer's preexisting condition requirements. Employees who are leaving a company must be provided a certificate of prior creditable health care coverage to use for this purpose. The law includes other provisions regarding restrictions on preexisting conditions, special enrollment rights and privacy rights and protections

In Law – someone who is related to an individual by marriage.

Invalid Sample - The result of a drug test for a specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Orientation - The introduction of employees to their jobs, co-workers and the organization by providing them with information regarding such items as policies, procedures, company history, goals, culture and work rules.

Performance Feedback - Feedback is information about observed behavior that is positive or constructive and can take place either throughout the year or during the performance evaluation process.

Personnel Policy Manual - A written or electronic document containing summaries of the Pueblo’s personnel policies and benefits designed to familiarize employees with various matters affecting the employment relationship.

Progressive Discipline - A form of discipline whereby increasingly harsher penalties are given each time an employee is disciplined for the same or a different performance infraction or policy or work-rule violation.

Prohibited Gift - Any gratuity, discount, entertainment hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including but not limited to, cash, food and drink. The following are not considered prohibited gifts:

- Opportunities, benefits and services that are available on the same conditions as for the general public;
- Travel expenses for meetings to discuss Pueblo business;
- A gift from a relative;
- Anything provided by an individual on the basis of personal friendship unless the gift was provided because of the official position or employment of the employee and not because of the personal friendship.
- An intra-governmental or inter-governmental gift.
- Anything for which the employee paid market value.
- Any contribution lawfully made under the Pueblo of Laguna law and Personnel Policy; and/or
- Any contribution made that is associated with a fundraising event in support of a political organization or candidate.

Prohibited Source - A prohibited source is identified as a person or organization who:

- Seeks official action by the Pueblo of Laguna;
- Does business or seeks to do business with the Pueblo of Laguna;
- Conducts activities regulated by the Pueblo of Laguna;
- Has interests that may be substantially affected by the performance or non-performance of the official duties of the Pueblo of Laguna; or
- Is registered or required to be registered as a lobbyist with the State of New Mexico or the federal government.

Spouse – A Partner in a marriage, civil union, or domestic partnership, including Pueblo and other Tribal traditional marriages.

Satisfactory Performance Evaluation - A review and evaluation of an individual's job performance in which the employee's performance is deemed acceptable by the standards of the job description, goals and objectives of the program and the employee's conduct.

Standard Operating Procedures - A prescribed written procedure outlining how recurring tasks, duties and functions are to be performed within a department and / or program.

Substance Abuse - Defined as a destructive pattern of substance (i.e., illegal / prohibited drugs or alcohol) use leading to clinically significant social, occupational or medical impairment.

Suitability – An employment determination on an individual based on results of a background investigation including past and current employment standing.

Title VII of the Civil Rights Act of 1964 - Title VII is a provision of the Civil Rights Act of 1964 that prohibits discrimination in virtually every employment circumstance on the basis of race, color, religion, gender, pregnancy or national origin. In general, Title VII applies to employers with 15 or more

employees. The purpose of Title VII's protections is to "level the playing field" by forcing employers to consider only objective, job-related criteria in making employment decisions. Title VII must be considered when reviewing applications or resumes, when interviewing candidates, when testing job applicants and when considering employees for promotions, transfers or any other employment-related benefit or condition.

Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 - The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, or the Act), signed into law on October 13, 1994, clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute. USERRA is intended to minimize the disadvantages to an individual that can occur when that person needs to be absent from his or her civilian employment in order to serve in the uniformed services. USERRA makes major improvements in protecting service member rights and benefits by clarifying the law and improving enforcement mechanisms. USERRA expands the cumulative length of time that an individual may be absent from work for uniformed services duty and retain reemployment rights.

Unsatisfactory Performance Evaluation - A review and evaluation of an individual's job performance in which the employee's performance is deemed unacceptable by the standards of the job description, goals and objectives of the program and the employee's conduct.

Workday – the period during a day that begins when an employee begins work to the time an employee completes work.