

NOTICE OF PUBLIC MEETING

TO BE HELD
APRIL 30, 2015 AT 12:15 P.M.

OBC CONFERENCE ROOM
NORBERT HILL CENTER
ONEIDA, WI



TOPIC: INVESTIGATIVE LEAVE POLICY AMENDMENTS

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the Oneida Community regarding a legislative proposal that would amend the Investigative Leave Policy. These amendments:

- ◆ Remove language that states that investigative leaves do not apply to investigations regarding appeals of disciplinary actions or employee complaint investigations.
- ◆ Reduce how long an employee can be placed on investigative leave, this timeframe has been reduced from 30 calendar days to 15 calendar days.
- ◆ Reduce how long an employee's investigative leave can be extended, this timeframe has been reduced from 30 calendar days to 15 calendar days.
- ◆ Require the employee's supervisor to notify the employee when to return to work and/or the disciplinary action that will be taken.
- ◆ Add an enforcement provision.
- ◆ Amend the appeal process, only allowing the employee to appeal a disciplinary action that arises from and investigation.

PUBLIC COMMENT PERIOD OPEN THROUGH MAY 7, 2015

During the Public Comment Period, all interested persons may submit written comments regarding this legislative proposal; and/or a transcript of any testimony/spoken comments made during the Public Meeting. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person or by U.S. mail, interoffice mail, e-mail or fax. For more information about the public meeting process, or to obtain copies of the public meeting documents for this proposal, visit the Oneida Register online at: www.Oneida-nsn.gov/Register or contact the Legislative Reference Office.

Legislative Reference Office

PO Box 365
Oneida WI, 54155
LOC@Oneidanation.org

Phone: (920) 869-4376
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The LRO is located in the Norbert Hill Center, Oneida WI.
Visitors are always welcome.

Investigative Leave Policy

Article I. Purpose and Policy
 Article II. Adoption, Amendment, Repeal
 Article III. Definitions
 Article IV. Scope
 Article V. Authorization
 Article VI. Employee Notice
 Article VII. Investigator(s) and Reports

Article VIII. Duration
 Article IX. Employee Responsibilities
 Article X. Pay and Benefits
 Article XI. Enforcement
 Article XII. Appeal
 Article XIII. Confidentiality

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<i>Analysis by the Legislative Reference Office</i>					
Title	Investigative Leave Policy (Policy)				
Requester	Chief Counsel	Drafter	Lynn A. Franzmeier	Analyst	Candice E. Skenandore
Reason for Request	It has recently been interpreted that this Policy cannot be utilized if a “complaint” has been filed. The intent of this Policy was to prohibit an employee complaint about another employee (i.e. personal issue between two employees or a peer level complaint affecting the work environment), not a “complaint” in an investigation. In addition, it has been requested that the investigation period be reduced to 15 days.				
Purpose	The purpose of this Policy is to address investigative leave for employees undergoing work-related investigations <i>[See 1-1]</i> .				
Authorized/ Affected Entities	This Policy affects Tribal employees employed by any program or enterprise but does not pertain to elected or appointed officials and political appointees <i>[See 3-1 (a)]</i> . Other identified entities include the employee’s supervisor and/or area manager, Human Resource Department (HRD), HRD Manager, Division Directors or their equivalent and possibly the Equal Employment Opportunity Officer.				
Due Process	An employee can appeal any disciplinary action arising out of an investigation pursuant to the Tribe’s personnel policies and procedures <i>[See 12-1]</i> .				
Related Legislation	Back Pay Policy <i>[See 10-4]</i> , appeals and releasing confidential information will follow the processes set out in the Tribe’s personnel policies and procedures <i>[See 12.1 & 13-1]</i> ,				
Enforcement	Any violation of this Policy is subject to disciplinary action as set out in the Tribe’s personnel policies and procedures <i>[See 11-1]</i> .				

Overview

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An employee will be placed on investigative leave when a situation requires an investigation and the employee’s presence can influence the outcome or if an employee allegedly commits an act which prevents the employee from meeting employment eligibility such as required licenses, Tribal fidelity bond or background investigation requirements. This Policy; however, cannot be used as a form a discipline *[See 4-1 & 4-2]*. The Policy will:

- Require the supervisor to obtain prior approval before placing an employee on investigative leave *[See 5]*;
- Call for the supervisor to place an employee in an alternative work assignment during the investigation so long as alleged action does not prevent the employee from working elsewhere in the Tribe, an alternative work assignment is available and the employee meets the minimum qualifications of the of the alternative work assignment *[See 5-4]*;
- Require the supervisor to provide written notice to the employee being place on investigative leave *[See 6]*;
- Identify who is responsible for completing the investigation *[See 7]*;
- Set out how long an employee can be placed in investigative leave *[See 8]*;
- Specify the employee’s responsibilities while on investigative leave *[See 9]*;
- Explain how pay and benefits are handled while the employee is on investigative leave

- 19 including when an employee is eligible for back pay [See 10];
20 ■ Subject the employee to discipline in accordance with the Tribe’s personnel policies and
21 procedures if the employee violates this Policy [See 11];
22 ■ Identify how appeals are conducted [See 12] and
23 ■ Require information related to the investigation to be confidential and can only be
24 released in accordance with relevant laws and personnel policies and procedures [See
25 13].

26 27 **Proposed Amendments**

28 The following are proposed amendments to the Policy:

- 29 ■ The term “disciplinary action” has been removed from the Policy, the definition of
30 “employee” has been revised to be consistent with other Tribal laws and the definition for
31 “investigative leave” has been enhanced to better reflect the intent of the Policy [See
32 redline 3-1].
- 33 ■ This Policy no longer states that investigative leave does not apply to investigations
34 regarding appeals of disciplinary actions or employee complaint investigations [See
35 redline 4-3]. This amendment will help avoid any further confusion as to whether this
36 Policy can be utilized when a complaint is filed.
- 37 ■ Currently, the HRD Manger must, among other things, decide to place an employee on
38 investigative leave to either approve or deny that request. Because there may be times
39 when the HRD Manager is not available when a request is made, language has been
40 added that allows the HRD Manager or his/her designee can make the necessary
41 determinations [See 5-1 & 5-2].
- 42 ■ The current Policy allows the supervisor to authorize an alternative work assignment for
43 the employee placed on investigative leave if the alleged action does not preclude the
44 employee from working elsewhere in the Tribe. The proposed Policy will also require
45 that an alternative work assignment be available and the employee meets the minimum
46 qualifications of the alternative work assignment prior to the supervisor authorizing an
47 alternative work assignment [See 5-4].
- 48 ■ The timeframe for how long an employee can be placed on investigative leave has been
49 reduced from 30 calendar days to 15 calendars days. In addition, if an extension is
50 granted to the investigative leave, that extension can only last an additional 15 calendar
51 days instead of 30 calendars days which is current practice [See 6-2 & 8-1]. This
52 amendment will reduce the amount of time a supervisors and/or area manager will be
53 required to complete an investigation; however, the amount of time an employee is
54 subject to an investigative leave is cut in half.
- 55 ■ The Policy now clarifies that no matter who conducts the investigation, the employee’s
56 supervisor is responsible for notifying the employee when to return to work and/or of
57 what disciplinary action will be taken [See 7-3].
- 58 ■ An enforcement provision was added to the Policy that subjects an employee to
59 disciplinary action in accordance with the Tribe’s personnel policies and procedures if the
60 employee violates this Policy [See 11-1].

103 considered to have legal force without the invalid portions.

104 2-4. In the event of a conflict between a provision of this Policy and a provision of another
105 policy, the provisions of this Policy shall control.

106 2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of
107 Wisconsin.

108 **Article III. Definitions**

109 3-1. This section shall govern the definitions of words and phrases used within this Policy. All
110 words not defined herein shall be used in their ordinary and everyday sense.

112 ~~(a) —“Disciplinary action” shall mean the process as set forth in the Tribe’s personnel~~
113 ~~policies for dealing with job-related behavior that does not meet expected and~~
114 ~~communicated performance standards.~~

115 ~~(b)~~(a) “Employee” shall mean any individual who is employed by the Tribe and is
116 subject to the direction and control of the Tribe with respect to the material details of the
117 work performed, or who has the status of an employee under the usual common law rules
118 applicable to determining the employer-employee relationship. “Employee” includes, but
119 is not limited to; an individual employed by any program or enterprise of the Tribe, but
120 does not include elected or appointed officials or ~~individuals employed by a Tribally~~
121 ~~Chartered Corporation, and political appointees. For purposes of this Policy, individuals~~
122 ~~employed under an employment contract as a limited term employee are employees of~~
123 ~~the Tribe, not consultants~~political appointees.

124 ~~(e)~~(b) “Investigative leave” shall mean a temporary absence ~~without~~from regular job
125 duties ~~and without pay~~ for the purpose of ~~determining~~conducting an investigation to
126 ~~determine~~ whether conduct or ~~not~~alleged conduct by an employee should result in
127 disciplinary action ~~needs to be taken~~and/or termination of employment.

128 ~~(d)~~(c) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.

129 **Article IV. Scope**

130 4-1. An employee shall be placed on investigative leave when one (1) of the following occurs:

131 (a) ~~An~~A situation requires an investigation ~~needs to~~ be conducted and ~~an~~the employee’s
132 presence ~~would~~may influence the outcome.—

133 (b) An employee allegedly commits an act which would preclude ~~them~~the employee
134 from meeting employment eligibility including required Licenses, the Tribal Fidelity
135 Bond, or Background Investigation requirements.

136 4-2. This Policy shall not be used as a form of discipline.

137 ~~4-3. —Investigative leave shall not apply to investigations regarding appeals of disciplinary~~
138 ~~actions or employee complaint investigations.~~

139 **Article V. Authorization**

140 5-1. This leave, or an extension of this leave, shall only be used when an employee’s supervisor
141 receives prior approval from the Human Resources Department Manager or his or her designee
142 and:
143
144

- 145 (a) their Division Director; or
146 (b) if there is no Division Director, the person at the highest level of the chain of
147 command.-

148 5-2. If the Human Resources Department Manager of his or her designee and the Division
149 Director or his or her equivalent do not agree with placing the employee on investigative leave,
150 then the final decision shall rest with the Human Resources Department Manager or his or her
151 designee.

152 5-3. The prior approval requested in 5-1 shall be granted or denied within forty-eight (48) hours
153 of receiving the request.-

154 5-4. During the investigative leave, the employee's supervisor shall authorize an alternative
155 work assignment if all the following occur:

156 (a) The alleged action does not preclude the employee from working elsewhere in the
157 organization.-

158 (b) An alternative work assignment authorized is available and

159 (c) The employee meets the minimum job requirements of the alternative work assignment.

160 5-5. If an employee placed in an alternative work assignment under ~~this~~ section 5-4, the
161 alternative work assignment shall be considered a part of the investigative leave and the
162 employee shall continue to receive their same rate of pay.

163

164 **Article VI. Employee Notice**

165 6-1. When the employee is placed on investigative leave, the employee shall immediately
166 receive a written notice from the employee's supervisor; the notice shall contain the following:

- 167 (a) The specific allegation(s) being investigated;
168 (b) The employee shall be on unpaid status, unless he or she is placed in an alternative
169 work assignment;
170 (c) The alternative work assignment, if appropriate;-
171 (d) The expected length of the investigation;
172 (e) Whether or not the investigation is being forwarded to an outside agency;
173 (f) The telephone number and name of person to contact in case of questions;
174 (g) The procedures to return to work upon completion of the investigation; and
175 (h) That the employee still remains as an employee with the Tribe.

176 6-2.-If the employee's investigative leave is extended past the original ~~thirty~~ (30 fifteen (15))
177 calendar days pursuant to section 8-1, the supervisor shall immediately notice the employee in
178 writing of this extension and the reason for the extension.

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180 **Article VII. Investigator(s) and Reports**

181 7-1. The employee's supervisor and/or area manager shall be responsible for completing the
182 investigation. If the employee ~~is one who reports~~ reports directly ~~reports~~ to the Oneida Business
183 Committee, the Tribal Equal Employment Opportunity Officer shall conduct the investigation.

184 7-2. If the allegations against the employee include criminal actions, or actions that may affect
185 licensing, the investigations may be completed by an appropriate agency, ~~including but not~~
186 ~~limited to: Police Departments, District Attorneys, Oneida Security, the Oneida Gaming~~

187 | ~~Commission, and Social Services.~~

188 | 7-3. The person(s) conducting an investigation shall prepare a written report that shall include
189 | the findings of the investigation, and provide a copy of the written report to the employee and, if
190 | ~~necessary~~ someone other than the employee's supervisor. conducts the investigation, a copy of
191 | the written report shall be provided to the employee's supervisor.

192 | (a) 7-4. Within ~~Within~~ if the employee's supervisor conducts the investigation, the written
193 | report shall inform the employee when to return to work and/or of what disciplinary
194 | action will be taken against the employee based on the report.

195 | (b) If someone other than the employee's supervisor conducts the investigation, within
196 | forty-eight (48) hours of ~~creating or~~ receiving the written ~~reports~~ report, the supervisor
197 | shall ~~be responsible for informing~~ inform the employee in writing when to return to work,
198 | and/or ~~deciding the discipline which may~~ inform the employee of what disciplinary action
199 | will be ~~appropriate.~~ taken against the employee based on the report.

200 |

201 | **Article VIII. Duration**

202 | 8-1. An investigative leave shall be no longer than ~~thirty (30)~~ fifteen (15) calendar days, with the
203 | ability to extend one (1) time for an additional ~~thirty (30)~~ fifteen (15) calendar days with a valid
204 | explanation of the reason for the extension. The extension shall be determined by the same
205 | individuals who placed the employee on investigative leave in section 5-1. However, if the
206 | investigation is forwarded to an outside agency, these timelines shall not apply.-

207 | 8-2. Investigative leave shall end upon any of the following occurrences:

208 | (a) the expiration of the ~~thirty (30)~~ fifteen (15) calendar day time limit, if applicable;

209 | (b) the expiration of the ~~thirty (30)~~ fifteen (15) calendar day extension if granted;

210 | (c) termination of the employee's employment based on the investigation;

211 | (d) the employee's return to work ~~when the~~ based on the written report submitted to the
212 | employee after an investigation is completed ~~prior to the expiration of the time limits~~
213 | given in (a) and/or (b) as officially documented by whomever is designated as the official
214 | investigative body; or

215 | (e) the employee chooses to resign or retire.

216 |

217 | **Article IX. Employee Responsibilities**

218 | 9-1. An employee placed on investigative leave shall:

219 | (a) -Not report to work or the worksite without prior supervisory approval;

220 | ~~—(b) Abide by all Tribal laws and policies, including prohibited gaming activities; and~~

221 | (c) Fully cooperate with the investigation as requested by those conducting the
222 | investigation.

223 |

224 | **Article X. Pay and Benefits**

225 | 10-1. Paid leave shall not be authorized ~~in accordance with the Tribe's personnel policies and~~
226 | ~~procedures and the Oneida Nation Gaming Ordinance.~~

227 | 10-2. An employee placed on investigative leave shall not receive any wages or benefits unless
228 | placed in an alternative work assignment. If the employee refuses the alternative work
229 | assignment and is returned to work, the employee shall not receive any back pay or benefits.

230 | 10-3. If an alternative work assignment is not available, the employee may use his or her
231 | accrued vacation and/or personal time while on investigative leave.-

232 | 10-4. An employee shall receive back pay and benefits for the time the employee was on

233 | investigative leave, ~~including prorated credit for vacation/personal time~~ pursuant to ~~Section 4-4~~
234 | ~~of~~ the Back Pay Policy if all of the following occur:

- 235 | (a) The employee was not offered an alternative work assignment when placed on
236 | investigative leave; and-
- 237 | (b) The employee is returned to his or her position; and-
- 238 | (c) The employee is not disciplined ~~or terminated~~ based on the investigation.

239 |

240 | **Article XI. ~~Enforcement~~Appeal**

241 | 11-1. ~~In~~ Any employee found violating this Policy shall be subject to discipline in accordance
242 | with the Tribe's personnel policies and procedures.

243 |

244 | **Article XII. ~~Appeal of the Tribe, an~~**

245 | 12-1. An employee ~~can~~may appeal ~~the findings in the written report and/or the decision~~any
246 | disciplinary action arising out of ~~the~~an investigation ~~within ten (10) business days of receiving~~
247 | ~~the written report required in 7-3.~~ in accordance with the Tribe's personnel policies and
248 | procedures.

249 |

250 | **Article ~~XII~~XIII. Confidentiality**

251 | ~~1213~~-1. Information related to an investigation is confidential. ~~Access or sharing of this~~
252 | ~~information shall be limited to those who have a legitimate "need to know" and may only be~~
253 | released in ~~compliance~~accordance with relevant laws and personnel policies and procedures.-

254 | ~~1213~~-2. All investigation materials shall be maintained in the ~~employees~~employee's
255 | personnel file with the Human Resources Department.—

256 |

257 | *End.*

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259 | OBC Approved 4-07-99-A

260 | Amended- 08-13-14-D

Investigative Leave Policy

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1
 2 **Article I. Purpose and Policy**
 3 1-1. The purpose of this Policy is to address investigative leave for employees undergoing
 4 work-related investigations.

5 1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to maintain confidentiality and
 6 avoid undue influence when conducting an investigation into an employee’s alleged wrong
 7 doings.

8
 9 **Article II. Adoption, Amendment, Repeal**

10 2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-04-07-99-A,
 11 and amended by resolution BC-08-13-14-D and _____.

12 2-2. This Policy may be amended or repealed by the Oneida Business Committee or the General
 13 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

14 2-3. Should a provision of this Policy or the application thereof to any person or circumstances
 15 be held as invalid, such invalidity shall not affect other provisions of this Policy which are
 16 considered to have legal force without the invalid portions.

17 2-4. In the event of a conflict between a provision of this Policy and a provision of another
 18 policy, the provisions of this Policy shall control.

19 2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of
 20 Wisconsin.

21
 22 **Article III. Definitions**

23 3-1. This section shall govern the definitions of words and phrases used within this Policy. All
 24 words not defined herein shall be used in their ordinary and everyday sense.

25 (a) “Employee” shall mean any individual who is employed by the Tribe and is subject to
 26 the direction and control of the Tribe with respect to the material details of the work
 27 performed, or who has the status of an employee under the usual common law rules
 28 applicable to determining the employer-employee relationship. “Employee” includes, but
 29 is not limited to; an individual employed by any program or enterprise of the Tribe, but
 30 does not include elected or appointed officials or political appointees.

31 (b) “Investigative leave” shall mean a temporary absence from regular job duties for the
 32 purpose of conducting an investigation to determine whether conduct or alleged conduct
 33 by an employee should result in disciplinary action and/or termination of employment.

34 (c) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.

35
 36 **Article IV. Scope**

37 4-1. An employee shall be placed on investigative leave when one (1) of the following occurs:

38 (a) A situation requires an investigation be conducted and the employee’s presence may
 39 influence the outcome.

40 (b) An employee allegedly commits an act which would preclude the employee from

41 meeting employment eligibility including required Licenses, the Tribal Fidelity Bond, or
42 Background Investigation requirements.

43 4-2. This Policy shall not be used as a form of discipline.

44

45 **Article V. Authorization**

46 5-1. This leave, or an extension of this leave, shall only be used when an employee's supervisor
47 receives prior approval from the Human Resources Department Manager or his or her designee
48 and:

49 (a) their Division Director; or

50 (b) if there is no Division Director, the person at the highest level of the chain of
51 command.

52 5-2. If the Human Resources Department Manager of his or her designee and the Division
53 Director or his or her equivalent do not agree with placing the employee on investigative leave,
54 then the final decision shall rest with the Human Resources Department Manager or his or her
55 designee.

56 5-3. The prior approval requested in 5-1 shall be granted or denied within forty-eight (48) hours
57 of receiving the request.

58 5-4. During the investigative leave, the employee's supervisor shall authorize an alternative
59 work assignment if all the following occur:

60 (a) The alleged action does not preclude the employee from working elsewhere in the
61 organization,

62 (b) An alternative work assignment is available and

63 (c) The employee meets the minimum job requirements of the alternative work assignment.

64 5-5. If an employee placed in an alternative work assignment under section 5-4, the alternative
65 work assignment shall be considered a part of the investigative leave and the employee shall
66 continue to receive their same rate of pay.

67

68 **Article VI. Employee Notice**

69 6-1. When the employee is placed on investigative leave, the employee shall immediately
70 receive a written notice from the employee's supervisor; the notice shall contain the following:

71 (a) The specific allegation(s) being investigated;

72 (b) The employee shall be on unpaid status, unless he or she is placed in an alternative
73 work assignment;

74 (c) The alternative work assignment, if appropriate;

75 (d) The expected length of the investigation;

76 (e) Whether or not the investigation is being forwarded to an outside agency;

77 (f) The telephone number and name of person to contact in case of questions;

78 (g) The procedures to return to work upon completion of the investigation; and

79 (h) That the employee still remains as an employee with the Tribe.

80 6-2. If the employee's investigative leave is extended past the original fifteen (15) calendar days
81 pursuant to section 8-1, the supervisor shall immediately notice the employee in writing of this
82 extension and the reason for the extension.

83

84 **Article VII. Investigator(s) and Reports**

85 7-1. The employee's supervisor and/or area manager shall be responsible for completing the
86 investigation. If the employee reports directly to the Oneida Business Committee, the Tribal

87 Equal Employment Opportunity Officer shall conduct the investigation.

88 7-2. If the allegations against the employee include criminal actions, or actions that may affect
89 licensing, the investigations may be completed by an appropriate agency.

90 7-3. The person(s) conducting an investigation shall prepare a written report that shall include
91 the findings of the investigation, and provide a copy of the written report to the employee and, if
92 someone other than the employee's supervisor conducts the investigation, a copy of the written
93 report shall be provided to the employee's supervisor.

94 (a) If the employee's supervisor conducts the investigation, the written report shall
95 inform the employee when to return to work and/or of what disciplinary action will be
96 taken against the employee based on the report.

97 (b) If someone other than the employee's supervisor conducts the investigation, within
98 forty-eight (48) hours of receiving the written report, the supervisor shall inform the
99 employee in writing when to return to work, and/or inform the employee of what
100 disciplinary action will be taken against the employee based on the report.

101

102 **Article VIII. Duration**

103 8-1. An investigative leave shall be no longer than fifteen (15) calendar days, with the ability to
104 extend one (1) time for an additional fifteen (15) calendar days with a valid explanation of the
105 reason for the extension. The extension shall be determined by the same individuals who placed
106 the employee on investigative leave in section 5-1. However, if the investigation is forwarded to
107 an outside agency, these timelines shall not apply.

108 8-2. Investigative leave shall end upon any of the following occurrences:

- 109 (a) the expiration of the fifteen (15) calendar day time limit, if applicable;
- 110 (b) the expiration of the fifteen (15) calendar day extension if granted;
- 111 (c) termination of the employee's employment based on the investigation;
- 112 (d) the employee's return to work based on the written report submitted to the employee
113 after an investigation is completed; or
- 114 (e) the employee chooses to resign or retire.

115

116 **Article IX. Employee Responsibilities**

117 9-1. An employee placed on investigative leave shall:

- 118 (a) Not report to work or the worksite without prior supervisory approval;
- 119 (b) Abide by all Tribal laws and policies; and
- 120 (c) Fully cooperate with the investigation as requested by those conducting the
121 investigation.

122

123 **Article X. Pay and Benefits**

124 10-1. Paid leave shall not be authorized.

125 10-2. An employee placed on investigative leave shall not receive any wages or benefits unless
126 placed in an alternative work assignment. If the employee refuses the alternative work
127 assignment and is returned to work, the employee shall not receive any back pay or benefits.

128 10-3. If an alternative work assignment is not available, the employee may use his or her
129 accrued vacation and/or personal time while on investigative leave.

130 10-4. An employee shall receive back pay and benefits for the time the employee was on
131 investigative leave pursuant to the Back Pay Policy if all of the following occur:

- 132 (a) The employee was not offered an alternative work assignment when placed on

- 133 investigative leave; and
- 134 (b) The employee is returned to his or her position; and
- 135 (c) The employee is not disciplined based on the investigation.

136

137 **Article XI. Enforcement**

138 11-1. Any employee found violating this Policy shall be subject to discipline in accordance
 139 with the Tribe’s personnel policies and procedures.

140

141 **Article XII. Appeal**

142 12-1. An employee may appeal any disciplinary action arising out of an investigation in
 143 accordance with the Tribe’s personnel policies and procedures.

144

145 **Article XIII. Confidentiality**

146 13-1. Information related to an investigation is confidential and may only be released in
 147 accordance with relevant laws and personnel policies and procedures.

148 13-2. All investigation materials shall be maintained in the employee’s personnel file with the
 149 Human Resources Department.

150

151 *End.*

152

153 OBC Approved 4-07-99-A

154 Amended- 08-13-14-D