

IN THE SUPREME COURT OF THE OSAGE NATION
PAWHUSKA, OKLAHOMA

FILED JUL 01 2015

By 

In re:)
)
Judicial Branch Personnel) Administrative Order No. AO-2015-02
Policies and Procedures)

OSAGE NATION JUDICIAL BRANCH
PERSONNEL POLICIES AND PROCEDURES

1.0 Purpose

These Osage Nation Judicial Branch Personnel Policies and Procedures (“Policies”) are intended to provide an administrative framework for the management of employee conduct, relations and activities in the Osage Nation Judicial Branch (“ONJB”).

2.0 Effective Date

This Administrative Order is effective July 1, 2015 and rescinds prior administrative orders and policies that conflict with these Policies.

3.0 Authority

The Osage Nation Judicial Branch one of the three branches of the Osage Nation government established by the Constitution of the Osage Nation. As an independent, co-equal branch of the Osage Nation, it is empowered by the Osage Constitution to provide an impartial and responsive justice system that protects the rights and liberties of all who come before it, interprets and enforces governing law fairly and equally, and reflects the unique social, governmental and cultural standards of the Osage Nation.

The Judicial Branch is authorized to adopt and implement these Policies pursuant to 19 ONC § 3-104(C)(1), which states “Each branch or division shall implement policies and procedures consistent with this Act and the Osage Nation Personnel Policies and Procedures administered by the Office of Human Resources.”

On October 23, 2014, the Executive Branch rescinded the April 12, 2013 *Osage Nation Merit Based Human Resources Policies and Procedures* and issued the *Osage Nation Human Resources Employee Handbook* (“Handbook”). The Handbook substantially revised existing ONJB policies and procedures, rendering many provisions obsolete.

4.0 Policy

The Judicial Branch of the Osage Nation hereby formally adopts the *Osage Nation Human Resources Employee Handbook* (“Handbook”) dated October 23, 2014 except as

provided herein. Where Judicial Branch policy differs from or further defines provisions in the Handbook, Judicial Branch policy shall control. A copy of the Handbook is attached as Appendix A.

5.0 Mission

The Osage Nation Judicial Branch is committed to serving the Osage Nation, its citizens and its community by providing a fair and efficient system of justice that offers all interested persons a meaningful opportunity to resolve disputes arising under the laws and regulations of the Osage Nation.

The Judicial Branch is responsible for interpreting the Constitution and laws of the Osage Nation. Its powers include:

- the trial and adjudication of civil and criminal matters;
- the redress of grievances;
- the resolution of disputes;
- judicial review of certain holdings; and
- decisions of administrative agencies and of the Trial Court.

The Judicial powers of the Osage Nation are vested in one Supreme Court and a Trial Court. All Supreme Court Justices and Chief Trial Judge are appointed by the Principal Chief and confirmed by Osage Nation Congress. Associate Judges are jointly appointed by the Chief Justice of the Supreme Court and the Chief Judge of the Trial Court.

6.0 Definitions

- 6.1 The terms used in these policies shall have the same meanings as those defined in 19 ONC § 3-103.
- 6.2 Where the Handbook uses the term “Principle Chief” the term “Chief Justice of the Supreme Court” shall be used when referencing approvals in her capacity as the head of the Judicial Branch.
- 6.3 Where the Handbook uses the terms “Executive Branch”, “Office of the Principle Chief” and “Executive Office”, the term “Judicial Branch” shall be used.
- 6.4 Where the Handbook uses the terms “Program Director”, “Director/Director of Operations” and “Executive Officer, the term “Chief Justice of the Supreme Court shall be used.
- 6.5 References to “Executive Staff Employees” and “Chief of Staff” shall have no force or effect.

6.6 The masculine shall include the feminine (and vice-versa), and singular shall include plural when used.

7.0 Applicability

These Policies shall not apply to the conduct of judicial officers or independent consultants.

8.0 Pay for Performance Act

The ONJB adopts the Handbook's Pay for Performance Act provisions.

9.0 Osage Preference

9.1 The ONJB adopts the Handbook's provisions implementing 19 ONC §1 *et seq.* titled the Osage Preference in Employment Law except as set forth below.

9.2 Applicants who claim membership in other federally-recognized Indian tribes shall complete and sign a membership verification form to submit to the HR Department, who shall verify membership with the applicant's tribe within ten business days. If the HR Department refuses to perform this task, the Court Administrator shall perform it instead.

9.3 Non-compliance shall be investigated by the HR Department and reported to the Chief Justice. Upon a determination of willful non-compliance, the Chief Justice may refer the matter to the Attorney General for a determination as to whether legal action should be filed.

10.0 Veteran Preference

10.1 The ONJB adopts the Handbook's policy on Veteran Preference except as set forth below.

10.2 Non-compliance shall be investigated by the HR Department and reported to the Chief Justice. Upon a determination of willful non-compliance, the Chief Justice may refer the matter to the Attorney General for a determination as to whether legal action should be filed.

11.0 Hiring

11.1 The ONJB adopts the Handbook's hiring procedures except as set forth below.

11.2 Merit Based System. Employees should be protected from the abuse of laws of the Osage Nation that are intended to shield employees from negative consequences for making good faith reports of violation of any law, rule, or regulation or mismanagement, a gross waste of funds, an absence of authority, or a substantial and specific danger to public health or safety. Deliberate efforts to harass, annoy or otherwise intimidate employees under the auspices of the merit-based system are prohibited.

11.3 The following shall be grounds for ineligibility for employment with the ONJB:

- A felony conviction within the past five years.
- A current arrest warrant(s).
- A conviction for any crime of any degree involving moral turpitude within the last five years including (but not limited to) violent crimes, domestic violence, fraud, embezzlement, child abuse, animal cruelty or kidnapping.
- Omitted or provided false information on the application for employment with the Osage Nation, including statements on eligibility for Osage, Veteran, or Native American preference.
- Be a registered sex-offender or be required to register as a sex-offender in any jurisdiction.
- A former employee who was terminated for cause or resigned in lieu of termination for cause; provided the person responsible for termination indicated in the file that the individual is not eligible for rehire and the reason for the determination.

11.4 To requisition a position within the Judicial Branch, a job description prepared by the Court Administrator and approved by the Chief Justice shall be submitted to the HR Compensation Analyst for review. The job description may be revised upon the advice of the HR Department. Final drafts of the job description must be approved by the Chief Justice before advertising.

11.5 Successful candidates will be required to undergo a background check and a drug test prior to beginning employment.

11.6 Interview panels shall include the Court Administrator and the Chief Justice, and may include an HR Department representative.

11.7 Offers of employment shall be written in a letter to the successful candidate containing the terms and conditions of employment, rate of pay, starting date, and any other pertinent information. The Chief Justice and Court Administrator shall approve all offer letters before they are sent to a successful candidate.

11.8 Applicants who are not selected shall be notified by letter approved by the Court Administrator and Chief Justice.

12.0 Rehiring Former Employees

12.1 Except as provided in this section 12 and section 13, the ONJB adopts the Handbook's Rehiring Former Employees provisions.

- 12.2 Former ONJB employees who resigned in good standing and are rehired within six (6) months into the same position in the same department will be assigned the same rate of pay and a new annual performance evaluation date shall be established.
- 12.3 Former ONJB employees terminated for cause or who resigned in lieu of termination are not eligible for employment with the ONJB, provided the person responsible for termination indicated in the file that the individual is not eligible for rehire and the reason for the determination. The Chief Justice may waive this provision in writing, but may condition such waiver on certain performance standards, extended probationary periods, or other terms suitable under the circumstances.
- 12.4 Nothing herein should be construed as obligating the ONJB to hire a former ONJB employee.

13.0 Probationary Period

- 13.1 New hire and rehired employees shall serve an introductory probationary period of ninety (90) days. During the introductory probationary period, an employee is not eligible for personal time off, and other benefits paid for or sponsored by the Nation unless otherwise specified. An exception to this restriction is the taking of bereavement leave and official paid holidays by Osage Nation employees.
- 13.2 The probationary employee is at-will and can be terminated for any reason (including no reason) with no right of grievance, except in matters pertaining to prohibited discrimination or harassment.
- 13.3 No probationary employees shall be promoted, demoted, transferred, or be temporarily reassigned during a probationary period, unless approved by the Director of Operations.
- 13.4 At the completion of an initial or performance probationary period, an employee shall receive an employee performance evaluation without possibility of receipt of a merit bonus.
- 13.5 Employees who have completed the initial ninety (90) day initial probationary period are eligible for all benefits enjoyed as a regular employee.

14.0 Nepotism

The ONJB adopts the Handbook's Nepotism provisions.

15.0 Employment Classifications

The ONJB adopts the Handbook's Employment Classifications provisions.

16.0 Compensation

- 16.1 The ONJB adopts the Handbook's Compensation provisions except as set forth below.
- 16.2 Full-time employees are those who regularly work 30 hours or more per week.
- 16.3 Part-time employees are those who regularly work less than 30 hours a week.
- 16.4 If appropriate, employees may be employed by contract for a specific term not less than one (1) year, such as for a grant period, for a specific project, or other specific period. Employment contracts may contain other terms and conditions, such as deliverables. Employment contracts must be approved by the Chief Justice prior to hiring. Employees hired in this manner are employees subject to all laws and policies applicable to employees and shall not be considered "independent contractors."

17.0 Benefits

The ONJB adopts the Handbook's Benefits provisions.

18.0 Attendance

- 18.1 The ONJB adopts the Handbook's Attendance provisions except as set forth below.
- 18.2 Business Hours.
 - (a) Osage Nation Courts hours shall be from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays and emergency or administrative closures.
 - (b) ONJB office hours shall be from 8:00 a.m. to 5:00 p.m.
 - (c) The ONJB offices should be staffed by at least one Court Clerk 30 minutes before the Courts open and 30 minutes after closing to allow employees to perform tasks and duties with limited interruption.
 - (d) Although the honor system is the current department standard, employees may be required to use a time-keeping device if it is found to be necessary.
 - (e) Employees may adopt a flexible schedule starting no sooner than 8:00 a.m. and no later than 9:00 a.m. provided their supervisor has approved the schedule.
- 18.3 When the ONJB and Courts are closed, signs shall be posted indicating when offices will re-open and shall include emergency contact information, which shall be the Court Administrator's cell phone unless stated otherwise.
- 18.4 Unless directed by their supervisor, ONJB Employees shall not engage in work-related activities while on leave or outside of business hours.

18.5 Breaks. Full-time employees may take up to one (1) hour for lunch.

- (a) Paid lunch breaks are a discretionary benefit that may be revoked at any time if it is abused. For liability purposes, employees shall not be considered working within the course and scope of their employment for incidents that occur while they are on break.
- (b) Employees shall stagger their lunch periods and breaks to provide coverage of service during the Osage Nation Court's business hours.
- (c) All employees shall also receive a 15-minute break for every four hours worked.

18.6 If only one employee is onsite, then the employee shall take his required breaks and post signs stating a time when he will return. When all employees are out of the office, then a sign shall be posted indicating when offices will re-open and shall include emergency contact information, which shall be the Court Administrator's cell phone unless stated otherwise.

18.7 Supervisors shall not unreasonably withhold permission on special requests to accommodate family, health, cultural or other personal obligations if business is not interrupted and such requests are infrequently made (unless an emergency exists).

19.0 Leave Policy

19.1 The ONJB adopts the Handbook's Leave provisions except as set forth below.

19.2 ONJB employees shall accrue paid leave as follows:

- (a) Sick Leave: Employees may accrue up to a maximum of 160 hours of sick leave.
 - 0-5 years of continuous employment: 4 hours per pay period
 - 5 or more years of continuous employment: 6 hours per pay period
- (b) Vacation Leave: Employees may accrue up to a maximum of 120 hours of vacation leave.
 - 0-3 years of continuous employment: 4 hours per pay period
 - 3-10 years of continuous employment: 6 hours per pay period
 - 10 or more years of continuous employment: 8 hours per pay period

19.3 To recruit the best qualified candidates, the accrual of paid leave may be modified as part of a negotiated employment package with the Chief Justice's approval.

19.4 Whenever possible, employees should schedule absences with their supervisor at least one (1) week in advance. Requests for annual or sick leave may be denied by supervisors due to insufficient notice or a leave conflict with other staff.

- 19.5 To be eligible for sick leave, the employee must notify his/her supervisor within thirty (30) minutes of the regularly scheduled reporting time each day sick leave is used. This does not apply to hospital stays or occasions when Family Medical Leave Act (FMLA) leave is used. When pre-arranged hospital stays and FMLA situations occur, the employee should inform the supervisor well in advance so arrangements for extended employee sick or FMLA leave can be made. In case of emergency, the employee or their representative must inform the supervisor as soon as possible.
- 19.6 If an illness is prolonged beyond three (3) days, upon returning to work, the employee will be required to submit a physician's statement certifying to the illness or injury.
- 19.7 Sick leave may also be used by employees when caring for immediate family or household members who are ill, or when transporting or accompanying immediate family or household members to medical appointments.
- 19.8 Sick leave credit will not be paid to an employee upon separation, under any circumstance.
- 19.9 Compensatory Time. Compensatory time is a discretionary benefit that allows a non-exempt employee to accrue paid time off for working on a holiday or weekend. Compensatory time may only be used to accommodate requests to be absent for partial days in lieu of using sick or vacation leave and may only be granted by the immediate supervisor if it will not disrupt business. Employees may accrue up to 16 hours of compensatory time, which will expire at the end of the next pay period after which it was accrued. The Handbook's provisions on compensatory time shall otherwise apply. Compensatory time shall be documented on timesheets. Compensatory time may be revoked at any time as the interests of the ONJB may require.

20.0 Holidays

The ONJB adopts the Handbook's Holidays and additional organization-wide closures authorized by the Office of the Chiefs due to holidays, emergencies, and inclement weather. The Chief Justice may also close the ONJB by Administrative Order for administrative closures related to training, emergencies, or security issues.

21.0 Code of Conduct

- 21.1 The ONJB adopts the Handbook's Code of Conduct provisions except as set forth below.
- 21.2 Employees of the Judicial Branch hold highly visible positions of public trust. Employees must perform their responsibilities in an environment and in a manner

that favorably reflects the values of the Nation's judicial system. These values include fairness, accessibility, confidentiality, accountability, effectiveness, responsiveness and independence. Their actions at all times should uphold and increase the public trust and confidence in the ONJB, reflect the highest degree of integrity, and demonstrate commitment to each principle stated in these Policies. For purposes of these Policies, "Code of Conduct" and "Conflict of Interest" referred to below shall be in addition to those terms as described in the Handbook and the Osage Nation Constitution.

21.3 Generally, the ONJB finds that positive, professional working relationships will improve workplace productivity, office cohesiveness, employee morale and service effectiveness. Employees should exercise good judgment in promoting these qualities.

21.4 Definitions

- (a) "Confidential information" includes, but is not limited to, information on pending cases that is not already a matter of public record, information concerning decision-making processes of the judges and information on office processes and activities that are not a matter of public record, including personnel matters and medical issues.
- (b) "Conflict of interest" occurs in situations where the employee's objective ability and/or independent judgment in the performance of their official duties for the court may be impaired, which includes, but is not limited to when the employee and/or a member of the employee's immediate family or household:
 - i. receives a direct or indirect benefit resulting from any official action of the court;
 - ii. is a spouse or former spouse of a party (or party in interest) to a lawsuit;
 - iii. has a child jointly with a party (or party in interest) to a lawsuit;
 - iv. currently resides with or has resided with a party (or party in interest) to a lawsuit;
 - v. is related by blood or marriage to a party (or party in interest) to a lawsuit;
or
 - vi. is currently having or has had an intimate or dating relationship with a party (or party in interest) to a lawsuit during the past 5 years.
- (c) "Legal Advice" is advising someone to follow a specific or general course of action or to interpret law as it relates to a specific case or set of facts.

- (d) "Procedural information" refers to identifying court rules, statutes, procedures or options in general.

21.5 This Code of Conduct is intended to give notice to all Judicial Branch employees of the higher standards of conduct expected of them beyond the standard provisions of the Handbook. Each employee shall be required to sign a written acknowledgement of their obligation to follow this Code of Conduct. If there is any conflict between the provisions of this Code of Conduct and the Handbook, the rules stated in this Code of Conduct shall govern. Violation of this Code of Conduct by an employee shall be considered actionable misconduct subject to immediate disciplinary action up to and including termination.

- (a) Employees shall not use or attempt to use their position to secure unwarranted privileges for themselves or others.
- (b) Employees shall not solicit or accept, or appear to solicit or accept, any gift, favor, or anything of value based upon any material understanding that the official actions, decisions, or judgments of any employee would be influenced.
- (c) Employees shall not discriminate against or otherwise give special treatment or anything of value to any person or entity, whether or not for compensation, or permit family, social, or other relationships to influence or appear to influence any official conduct or judgment.
- (d) Employees shall not request or accept anything of value beyond their compensation, as provided by the Judicial Branch, for court related work, except those provided by the Osage Nation, the Judicial Branch or otherwise awarded as part of an existing program that recognizes the activity for which the award is given.
- (e) Employees shall use the resources, property, and funds under their official control judiciously and solely in accordance with prescribed legal and court operating procedures.
- (f) Employees shall provide all court patrons with appropriate procedural information and shall not give legal advice.
- (g) Employees shall avoid conflicts of interest and the appearance of conflicts of interest in the performance of their duties. In the event an actual or potential conflict of interest arises, the employee shall immediately disclose such conflict to the Court Administrator, or if the conflicted employee is the Court Administrator, to the Chief Justice, who shall take appropriate action to address the conflict. Employees should not engage in outside employment

that may conflict or appear to conflict with the performance of their official responsibilities.

- (h) Employees may engage in political activities in their individual capacities and during non-working hours if such activity does not use, or appear to use, their position or the Judicial Branch in connection with such activities. Employees shall not discriminate in favor of or against any other employee or applicant for employment because of his or her political contributions or political activities.
- (i) Employees shall not disclose to any unauthorized person any confidential information acquired in the course of their employment.

21.6 Performance of Duties.

- (a) Employees shall carry out their responsibilities to the public and to the court in a timely, impartial, diligent, professional and courteous manner.
- (b) Employees shall not discriminate on the basis of, nor display by words or conduct, a bias or prejudice based upon political status, race, color, religion, national origin, gender, sexual orientation or other protected group, in the conduct of service to the court and the public.
- (c) Employees shall enforce or otherwise carry out any properly issued rule or order of court.
- (d) Employees shall promote ethical conduct and report any improper conduct and violations of this Code of Conduct by any persons to appropriate authorities.
- (e) Employees will actively pursue continuing education opportunities for the purpose of improving their professional skills and thereby providing higher quality service to the court and the public.
- (f) Employees shall avoid any activity which would reflect adversely on their positions or the court.

21.7 Incident Personal Activities permitted. Notwithstanding the foregoing, incidental personal activities are acceptable but are limited to responsible activity that minimizes disruption of court business while attending to necessary personal affairs. Incidental personal activity:

- (a) is infrequent and brief;
- (b) does not have a negative impact on overall employee productivity;
- (c) does not interfere with the normal operations of court business;

- (d) does not compromise the ONJB in any way; and
- (e) does not contravene any elements of these Policies.

21.8 Employees are reminded that there is no reasonable expectation of privacy, which applies to personal effects and belongings brought into the office, communications and correspondence (including email and phone), and the employee's use of the Nation's equipment and property.

21.9 Employees are encouraged to maintain positive working relationships with other employees, court customers, judges and co-workers. Friendly, respectful relationships promote teamwork and mutual respect while reducing the amount of time and energy employees spend avoiding or entering into personal conflicts with co-workers.

21.10 Employees' social relationships in the workplace shall not interfere with the work performance or with the effective functioning of the workplace. Employees who engage in personal relationships should be aware of their professional responsibilities and will be responsible for ensuring that the relationship does not raise concerns about favoritism, bias, or conflict of interest.

21.11 When an employee identifies an actual or potential conflict of interest, the employee shall disclose the conflict to her supervisor and remove herself from the matter. If an employee is accused of having an actual or potential conflict of interest by a third party, the supervisor shall screen the employee from the matter pending an investigation. If no conflict is determined, the supervisor may authorize the employee to work on the matter.

22.0 Disciplinary Action

ONJB Employees may be subject to disciplinary action for the reasons set forth in the Handbook and for violating of these Policies.

23.0 Employee Separation

The ONJB adopts the separation provisions in the Handbook,

24.0 Employee Due Process Procedure

The ONJB adopts the due process provisions in the Handbook.

25.0 Harassment

The ONJB adopts the harassment provisions in the Handbook.

26.0 Whistleblower Protection

The ONJB adopts the whistleblower protection provisions in the Handbook.

27.0 Employee Assistance Program

The ONJB adopts the Employee Assistance Program provisions in the Handbook.

28.0 Employee Wellness Program

The ONJB adopts the Employee Wellness Program provisions in the Handbook.

29.0 Educational Assistance and Training

The ONJB adopts the Educational Assistance and Training provisions in the Handbook.

30.0 Inclement Weather

The ONJB adopts the Inclement Weather provisions in the Handbook.

31.0 Performance Recognition

31.1 The ONJB adopts the Performance Recognition provisions in the Handbook except as set forth below.

31.2 Policy. Annual performance evaluations are an important part of the ONJB, allowing those employees who have performed above and beyond expected standards to be rewarded by the Nation for their service and assisting employees in improving unacceptable performance. These evaluations allow the ONJB to continually improve the quality of services provided to the Osage people and the work environment of the ONJB employees, judicial personnel and court customers.

31.3 Supervisors shall be responsible for establishing a Judicial Branch Annual Performance Plan, Form PP-20XX (Performance Plan), for each subordinate employee within one month from the beginning of the annual appraisal period. The annual appraisal period is the calendar year, January 1st through December 31st. At the beginning of each year the last two digits of form PP-20XX shall be amended to reflect the actual calendar year.

31.4 The minimum appraisal period is ninety (90) calendar days. Employees must perform work under an established Performance Plan that has been in place for a minimum of ninety (90) calendar days in order to receive a summary rating and performance bonus.

31.5 Supervisors shall submit the established Performance Plan, Form PP-20XX, for each employee to the Chief Justice of the Judicial Branch for approval signature, prior to presenting the plan to the employee for review and signature.

31.6 Individual performance standards shall permit the accurate evaluation of job performance to the maximum extent feasible. Performance standards, goals, and objectives shall be relevant to and support the mission of the Judicial Branch, shall be

based on critical elements of the employee's position duties and responsibilities, and shall be listed on Form PP-20XX as Critical Elements.

31.7 Once the Performance Plan, has been finalized, the supervisor shall meet with the employee to review the document and communicate the established critical elements to the employee. The employee shall sign the Performance Plan, acknowledging receipt of their performance expectations for the appraisal period. The supervisor shall sign the Performance Plan, signifying communication of critical elements to the employee.

31.8 Supervisors shall be responsible for completing one mid-year progress review and one annual performance evaluation, which includes a summary rating, for each subordinate employee. The mid-year progress review shall be completed at approximately the midpoint in the annual rating period. The annual performance evaluation shall be completed within thirty (30) days of the end of the annual appraisal period.

31.9 Procedure on Progress Review.

- (a) The Supervisor shall weigh the employee's performance to date with the requirements listed as critical elements in the employee's Performance Plan.
- (b) The Supervisor shall meet with the employee to review critical elements, review employee performance in relation to required standards, answer questions, address concerns, and make recommendations regarding prioritizing objectives.
- (c) When all critical elements are being met in a Fully Successful manner, both the Employee and Supervisor shall sign Part 1(B) of PP-20XX, acknowledging review of performance goals and objectives.
- (d) Should the employee's performance from the start of the rating period to the date of the mid-year progress review fail to meet the Fully Successful level in any critical element, the supervisor shall discuss this with the employee and document areas needing improvement. Documentation of this discussion shall be recorded on Part IV of PP-20XX. The supervisor and employee shall sign and date Part 1(B) after the progress review is conducted. If the employee refuses to sign, the supervisor should annotate the form, "Employee declined to sign. Progress review conducted on [date]."

31.10 Procedure on Annual Review

- (a) Within one (1) month of the end of the appraisal period, the supervisor will assign a rating to each critical element in Part II of the employee's PP-20XX.
- (b) After rating and assigning a score to each critical element, the supervisor will total the points and divide by the number of critical elements, to arrive at an

average score (up to one decimal place). This score will be converted to a summary rating based on point values. The summary rating shall coincide with performance bonus percentages as set out in Part III of PP-20XX and shall be recorded in Part I(C).

- (c) Should the supervisor wish to add comments beyond the summary rating, additional comments shall be entered on Part IV of PP-20XX.
- (d) The supervisor shall forward the summary rating to the Chief Justice for approval if applicable.
- (e) Once summary ratings have been finalized, each employee will receive a face-to-face, one-on-one interview with their supervisor to review and discuss the rating. The supervisor and employee shall sign and date Part I(C) of PP-20XX at the conclusion of the interview. If the employee refuses to sign, the supervisor should annotate the form, "Employee declined to sign. Rating discussed and copy provided on [date]." A copy shall be provided to the employee.
- (f) Employee comments may be entered on Part VI of PP-20XX. The employee shall be informed that they may record comments in Part VI, however, employee comments will not affect the summary rating.
- (g) The completed Performance Plan, PP-20XX, will be forwarded to the Human Resources Department for processing within three (3) business days of interview. The Human Resources Department will forward it to the Accounting Department within fifteen (15) business days of evaluation for processing if there are no disputes by the employee as to the results of the evaluation.
- (h) Employees have five (5) business days to dispute outcomes through notification to the Employee Protection Council.

31.11 Procedure for Non-Standard Situations.

- (a) If, for any reason, the employee did not perform under a Performance Plan for ninety (90) days, there will be no rating for that appraisal period. The supervisor shall submit a memorandum to the HR Department for placement in the employee's personnel file documenting such. The supervisor shall note in the memorandum that the employee appears to be performing at either a Fully Successful, Minimally Successful or Unacceptable level; that they have been employed less than ninety (90) days, and are, therefore, ineligible for a summary rating.
- (b) Supervisors shall establish a Performance Plan, PP-20XX, for each new employee as soon as possible after the date the employee enters on duty, unless

the employee's enter on duty date falls within the last ninety (90) days of the appraisal period. In these cases the Performance Plan will be established at the beginning of the next appraisal period.

- (c) Should an employee change positions within the Judicial Branch, the summary rating and Performance Plan for the position the employee is departing shall be completed before the employee's departure date. The Performance Plan for the new position shall be established as soon as possible. Performance in both positions shall be considered when completing the summary rating and final Performance Plan.
- (d) Should the Enter On Duty Date of a transferring employee's new position within the Judicial Branch fall less than ninety (90) days before the end of the appraisal period, the summary rating and Performance Plan completed at the end of the employee's service in their previous position will stand as the final rating. The supervisor shall submit the completed Performance Plan, PP-20XX, for the previous position, as well as, a memorandum to the HR Department for placement in the employee's personnel file documenting the employee's performance at either a Fully Successful, Minimally Successful or Unacceptable level in the new position; that they have been employed less than ninety (90) days in that position, and are, therefore, ineligible for a summary rating for that position.
- (e) Upon an employee's departure from employment with the Judicial Branch, their Performance Plan should be completed and forwarded to HR for inclusion in their personnel file. No employee departing the Judicial Branch shall receive a performance bonus unless their departure date occurs after their summary rating and completed Performance Plan has been forwarded to HR for processing.

32.0 Employee Protection Council

The ONJB adopts the Employee Protection Council provisions in the Handbook.

33.0 Promotions and Transfers

- 33.1 The ONJB adopts the Employee Protection Council provisions in the Handbook, except as set forth below.
- 33.2 Those employees who have been promoted, demoted, or laterally transferred into a different position, recalled into a different position, and rehired employees must serve a Performance Probationary Period of 90 days.

34.0 Time Calculations

The ONJB adopts the Time Calculations provisions in the Handbook.

35.0 Speak What's On Your Mind

The ONJB adopts the Speak What's On Your Mind provisions in the Handbook.

36.0 Communications

The ONJB adopts the Communications provisions in the Handbook.

37.0 Cell Phones

37.1 The ONJB adopts the Cell Phones provisions in the Handbook, except as set forth below.

37.2 Because of the small number of court staff, it is possible that government agencies or judicial personnel may contact an ONJB employee during an administrative closure, holiday, vacation, or sick day. Unless directed by their supervisor, ONJB employees are not required to engage in work-related communications when they are on leave or outside of business hours. An ONJB employee who voluntarily engages in work-related communications on a personal device while on leave or outside of business hours shall not be allowed to claim the time used as compensatory time.

37.3 When an ONJB employee is directed by her supervisor to engage in work-related communications while on leave or outside of business hours, the employee shall document the time spent on the work-related communication and deliver the document to her supervisor. Documented time spent may be considered compensatory time with the supervisor's approval.

38.0 Internet and Social Media

The ONJB adopts the Internet and Social Media provisions in the Handbook.

39.0 Drug-Free Workplace

The ONJB adopts the Drug-Free Workplace provisions in the Handbook.

40.0 Incident Reports

The ONJB adopts the Incident Reports provisions in the Handbook.

41.0 Travel

The ONJB adopts the Travel provisions in the Handbook.

42.0 Attachments

Any external document referenced herein shall be attached to these Policies and incorporated by reference.

43.0 Amendments

These Policies may be amended at any time by the Chief Justice. Any subject matter not covered by these Policies shall be referred to the Chief Justice for review, taking into account fairness and due process considerations as appropriate.

Ordered this 1st day of July, 2015.

A handwritten signature in blue ink, appearing to read 'M. Drent', is written over a horizontal line.

Meredith D. Drent
Chief Justice

OSAGE NATION JUDICIAL BRANCH
ORGANIZATIONAL CHART

