

Personnel Policy No. 2

GENERAL EMPLOYEE INFORMATION

I. GENERAL PROVISIONS

A. Equal Opportunity Statement

The Yurok Tribe is proud to be an Equal Opportunity Employer and is committed to providing a work environment free from discrimination. This Tribe will not hire, discharge, or discriminate against an employee in compensation, working conditions, or any other term or benefit of employment because of the employee's race, religion, color, national origin, sex, age, citizenship, ancestry, physical or mental disability, medical condition, marital status, sexual orientation, or any other non-merit factor unless otherwise specified in federal grant regulations. This Tribe shall, however, exercise a **policy of Indian preference**, as provided in Personnel Policy No. 3-RECRUITMENT AND HIRING and the Yurok Tribe TERO Ordinance.

B. Policy Changes

These Personnel Policies may be modified by the Yurok Tribal Council as necessary to meet the changing personnel management needs.

The Personnel Committee, consisting of the Executive Director, no more than two Council Members and three tribal staff (elected annually in December by all tribal staff), will review and make recommendations to the full Tribal Council regarding all Personnel Policies and salary structure changes.

The Human Resource Office will be responsible for maintaining this manual and issuing revisions as needed. Suggestions for revisions should be submitted in writing to the Human Resource Director.

Upon approval of any modifications to the existing policies by the Yurok Tribal Council, the Human Resource Office will give all Tribal employees a copy of the revision as soon as possible.

II. WORK TIME AND PAYDAYS

Employees are required to accurately record hours worked: the time they begin and end each day, the beginning and end

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of lunch period, and the beginning and end of any split shift.

A. Recording Time

1. Employees will use one of the following methods to record their time depending upon which is available at their place of employment:
 - Time Clock
 - Sign-in Log
2. It is strictly forbidden for any employee to record another employee's time. This includes "clocking in or out" or "signing in or out" on the sign-in log for another employee. Violations of this policy will result in disciplinary action.
3. Time punched or logged in early at the beginning of the workday and punched out or logged out late at the end of the workday will not be allowed to be used towards overtime, unless prior written approval is obtained from the Department Director.
4. If there is a mistake on the time clock or sign-in log, the employee must immediately inform his/her supervisor. The supervisor must then make and initial any necessary correction(s).
5. No employee shall work through their lunch period and add it to hours worked.
6. Employees may not use annual or sick leave to compensate for tardiness.
7. Employees who punch in or log in late more than five minutes will be docked one-quarter of an hour of pay.
 - 8:31 a.m. No docking
 - 8:36 a.m. Dock fifteen minutes
 - 8:46 a.m. Dock one-half hour
 - 9:06 a.m. Is considered absent without official leave (AWOL)

B. Pay Periods

1. Employees are paid biweekly (every two weeks).

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2. The pay period begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the alternate Saturday.

C. Work Hours

1. Work hours are from 8:30 a.m. to 5:00 p.m., with a 1/2 hour unpaid lunch break to be taken between 12 noon and 1:00 p.m.
2. Flexible time schedules may be permitted if approved in writing in advance by the employee's immediate supervisor. The Supervisor shall provide the original approval to the Fiscal Department and a copy shall be maintained in the employee's Personnel file.
3. Full-time employment is a 40-hour workweek, comprised of five (5) eight-hour workdays.

D. Work at Home

Under extraordinary circumstances employees may be permitted to work at home. Work at home request must be made in writing by the employee and may be permitted if approved in writing by the employee's immediate Supervisor, Department Director, and Executive Director. The Executive Director approval requires forty eight (48) hours notice prior to approval. The Department Director and Supervisor should consider the following factors in evaluating request for work at home:

1. The nature and purpose for the request and if it will interfere with duties and responsibilities at their designated work site
2. The benefits to be derived by the employee and the tribe
3. The employee's level of responsibility and length of service with the tribe
4. Cost savings if any
5. Any potential lost time or productivity

Employees who work at home must use a daily log of activities to insure accountability. This daily log must be attached to the employee time sheet and must be signed by the Supervisor and Department Director. Employees must be available via the telephone at all times (if the employee works in an area where telephone service is unavailable they must check in with their office) and the

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employee must attend all required meetings at the Yurok Tribal office. The Fiscal Department will submit a monthly report of the number of employees who are working at home to the Executive Director.

E. Travel Time

1. Home to Work (Ordinary Situations): An employee who travels from home before his/her regular work day and returns to his/her home at the end of the work day is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether s/he works at a fixed location or at different job sites. Normal travel from home to work is not work time.
2. Home to Work (Emergency Situations): During instances involving emergency situations, travel from home to work is work time. For example, if an employee who has gone home after completing his day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of his employer's customers, all time spent on that travel is working time.
3. Home to Work (Special Assignment): When an employee who regularly works at a fixed location in one city is given a special one-day work assignment in another city. The time spent on this travel is work time. However, the employee's normal travel time may be deducted from the working time, since it falls in the "home to work" category because the employee would have had to report to his/her regular work site anyway. Also, the usual meal period may be deducted from the working time.
4. Travel as Part of the Day's Work: Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the work day, must be counted as hours worked. Where an employee is required to report to a meeting place to receive instructions or to perform other work, or to pick up certain items for work, the travel from the designated place to the work place is part of the day's work, and must be counted as hours worked.

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5. **Overnight Travel:** Travel away from home for an overnight trip is clearly work time when it cuts across the employee's regular workday. The employee is substituting travel for other duties. Travel time on nonworking days is also considered work time if conducted during normal work hours. For example, an employee who normally works 9 a.m. to 5 p.m. Monday through Friday must be paid for time spent traveling on Sunday only for travel between the hours of 9 a.m. and 5 p.m. Regular meal period time is not counted. Travel during non-work hours is not considered work time unless the employee is actually performing work while traveling.

6. **Work Performed While Traveling:** Any work that an employee is required to perform while traveling must be counted as hours worked.

F. Overtime

It is the policy of the Tribe that all work be accomplished within the normal workweek. However, when the provision of quality services requires it, each employee may be asked to perform his or her duties during overtime hours. Non-exempt employees are covered by the Fair Labor Standards Act and hours worked in excess of 40 in a workweek shall be considered overtime. Overtime will be allowed when the employee's immediate supervisor authorizes written approval in advance.

G. Time sheets and Leave Request Forms

1. Original signed time sheets must be received in Klamath's Fiscal office by noon on the Monday, or the first working day following the end of the pay period. This means that all employees except those in Klamath must mail their time sheets on Friday so they will arrive at Fiscal on time.
2. All time sheets must be signed by both the employee and supervisor to attest that the hours recorded are complete and correct.
3. If employee's leave time is to be used (e.g., sick or vacation leave) the leave request form must be filled out with the employee and supervisor's signatures. All original signed leave request forms

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must be attached to the time sheets (unless previously approved and submitted to Fiscal).

4. Faxed copies will be accepted. Original signed copy must be received by the Fiscal Department prior to the release of paycheck.
5. Employees, who will be out of the office on days when time sheets are normally signed by the supervisor or mailed to Klamath, should make arrangements to ensure their timesheets are signed and mailed on time.

H. Paydays

1. Paychecks are issued on the Friday following the end of the pay period, for employees who have properly submitted his/her original, signed, completed time sheet and leave request form(s).
2. Employees who fail to get their time sheets and leave requests in by Monday noon will not receive their paycheck until the Friday following the normal payday. Under these specific circumstances, there will be NO PAYROLL ADVANCES.
3. When the regular payday falls on a holiday, the paychecks will be issued on the last working day before the holiday.
4. Should an employee receive compensation for which she/he did not qualify, such overpayment shall be deducted from his/her check the following pay period. Any such deduction(s) will be documented and Fiscal will notify the employee in writing.

III. APPOINTMENT STATUS (TENURE)

Appointment Status determines whether or not an employee is eligible for benefits, including sick, vacation leave, holiday pay and health, vision and dental benefits. Positions may have an anticipated length of appointment as identified below.

A. Status

1. **Regular Employee:** Employment, which does not have an established ending date. These employees serve a

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six-month initial trial period and are eligible for benefits.

2. **Head Start Employee & JOM Tutors:** Work is generally up to 40-42 weeks per year, with varying hourly time base. These employees are classified as REGULAR EMPLOYEES. They serve a six-month initial trial period and are eligible for benefits.
3. **Temporary Employee:** A Temporary employee is appointed to fulfill the emergency or other short-term specific need. Generally, the appointment is up to three (3) months in length, but if need be, can be extended up to six (6) months. Temporary Employees do not accrue sick or vacation leave, do not have grievance rights, and are not eligible for benefits.
4. **Seasonal Employee:** Seasonal employees are needed during a particular season. Regular seasonal employees are reinstated each year. These employees serve a six-month initial trial period and are eligible for benefits.

B. Time Base

The time base for a position may be:

- **Full-time:** 40 hours per week
- **Part-time:** A consistent weekly schedule of less than 40 hours.
- **Hourly intermittent:** May not have a consistent schedule, may be needed as "ON CALL", or expected to work an irregular schedule each week. Hours per week may range from 0 up to 40 hours.

Regular Employees who work at least 30 hours per week are eligible for full health, dental and vision benefits. For Regular employees, time base also determines the prorated amount of vacation, sick leave, and holiday pay benefits for which the employee is eligible. Temporary employees do not receive benefits regardless of their time base.

C. Exempt/Non Exempt

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1. Exempt: These employees are exempt from the Department of Labor's Fair Labor Standards Act (FLSA) because they fall under the definitions of Executive, Administrative or Professional employees. Salaried exempt employees do not receive overtime compensation.
2. Non-Exempt: These employees are covered by the FLSA. Hours worked in excess of 40 in a workweek shall be considered overtime.

IV. INITIAL TRIAL PERIOD

1. All new employees hired in "regular" status shall complete an initial trial period of six months commencing with their first day of employment. During this time, the employer and the employee will have an opportunity to determine whether further employment is appropriate.
2. Upon satisfactory completion of the initial trial period, the employee will be considered a "regular employee" and will have available certain benefits and rights as a regular employee. These benefits include:
 - The use of vacation leave.
 - Access to the grievance procedures as specified in Personnel Policy No. 9 - GRIEVANCES AND APPEALS.
3. Employees who are promoted into a position at a substantially higher rate of pay, or having a substantial change of duties may be required to complete an additional trial period (length of trial period will be determined by the Department Director and Executive Director) in that new classification. If the employee has previously successfully completed a six- (6) month initial trial period as a new employee, and there is no break in employment, s/he will retain all benefits as a regular employee. For example, s/he will continue to be eligible to use accrued vacation time.
4. The Supervisor may elect to extend an employee's initial trial period when such an extension is deemed appropriate or beneficial. An employee whose initial trial period is extended will receive written notice from their immediate supervisor stating the reason and duration of the extension.

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5. Supervisors will prepare written performance evaluations and discuss the evaluations with the employee during the initial trial period. The first evaluation will generally occur at three (3) months, midway through the initial trial period. The final evaluation will then occur at six (6) months. The written evaluations, signed by both the supervisor and the employee, will be placed in the employee's personnel file.

6. During this "getting acquainted" or "initial trial period," the employee's work habits, attitude and attendance record will be reviewed. Other criteria that will be considered include, but are not limited to, the following:
 - Quality of work
 - Quantity of work
 - Attendance
 - Ability to work with co-workers and supervisors
 - Ability to work with public
 - Ability to supervise

7. If the Tribe determines that the employment relationship is not beneficial to its needs, the Tribe has the right to terminate the employee at any time during the initial trial period, for any reason with or without advance notice.

8. An employee terminated during the initial trial period may not invoke the grievance procedures contained in Personnel Policy No. 9 - GRIEVANCE PROCEDURES.

V. NEPOTISM/CONFLICT OF INTEREST

Nepotism as used in this Policy is defined as preferential treatment accorded to a member of one's immediate family. Immediate family is defined as parents, spouse or significant other, children, sisters, brothers, grandparents, grandchildren, foster children or others raised in the employee's home, aunt, uncle, niece, nephew, and the following in-laws: son, daughter, brother, sister, mother, father, aunt, uncle, nephew, niece.

Conflict of Interest as used in this policy is to require accountability of Yurok Tribal employees in exercising the authority vested with them as a matter of public trust.

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Employees will treat their positions as a matter of public trust, only using the power and resources of the tribal office to advance tribal interest and not to attain personal benefit or promote private gain. Yurok Tribal business will be conducted in an open and honest manner that allows the tribe to hold tribal employees accountable for their actions. Employees must abstain from using their position in a manner which could place, or appear to place, their personal interest before that of the tribe and its members.

In conducting tribal activities:

1. No member of a Personnel Selection Committee or the Tribal Council shall participate in any portion of the selection process when a conflict of interest or nepotism exists, as defined in this section.
2. No employee or the Tribal Council shall participate in a personnel action involving an individual when a conflict of interest or nepotism exists, as defined in this section. No Manager should promote or hire an employee that would create a conflict of interest or nepotism.
3. There shall be one level maintained between a supervisor and family member as defined in this section. No employee may be assigned to a unit supervised by a member of the family. In the event the supervisory relationship is brought into existence by the promotion of an employee, the Human Resource Director shall recommend to the Chairman the proper personnel action to take on an individual case basis.
4. Employees shall not accept outside employment or participate in an activity which interferes in any manner with the full and proper discharge of the duties of his or her position or results in a conflict of interest. A conflict of interest also exists if an employee's private activities interfere with the proper discharge of his or her official duties.
5. No Program Manager with decision-making authority shall participate in any activity that creates a conflict of interest situation. A conflict of interest exists when a manager with decision-making authority uses, or appears to use, his or her position for benefits to himself/herself, relatives (as defined in this section), or business associates. If a manager with

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decision making authority pertaining to the activity subject to inquiry is involved in an outside interest which could be affected by a tribal project or activity, and a conflict of interest exists in reality or appearance, he or she must report the situation to the Executive Director immediately. The Executive Director will take necessary measures to remedy the Conflict of Interest situation. Such measures may include reassignment. Unless specifically authorized in writing, no manager shall participate in a conflict of interest situation and such participation shall be deemed a violation of this Policy.

VI. CHANGE OF EMPLOYEE INFORMATION

1. It is the employee's responsibility to immediately advise the Human Resource Department and his/her supervisor of any change in marital, W-4 status, telephone, address, or name, as this information may affect future paychecks and/or benefits.
2. Changes must be submitted to the Human Resource Department by memo or on the Personnel Action Notice. The Human Resource Department will forward a copy of the Personnel Action Notice to the Fiscal Department.
3. It is each employee's responsibility to immediately advise his/her supervisor of any change, which may affect his/her ability to perform the job for which she/he was hired. This includes, but is not limited to, the onset of an illness or condition that requires prescription drugs; the onset of any disability; any suspension, limitation or revocation of driving privileges or a driver's license; conviction of any crime; etc.

VII. PAYROLL ADVANCES

The Tribe does not allow employees to receive their paychecks early except if an employee will be absent on the normal pay date due to pre-approved leave, arrangements may be made to receive the payroll check when pay checks are processed in the pay week. A request by the employee, in writing, to receive the payroll check earlier than normal must be made through the Finance Director.

The Tribe does not provide payroll advances to employees except in an emergency. All payroll advances must have the

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prior approval of the Executive Director, and are subject to the following rules:

1. Employees may be granted a payroll advance no more than three (3) times per calendar year. In extreme circumstances there may be request in excess of three.
2. An employee seeking a payroll advance must submit a written request to the Executive Director.
3. No payroll advances will be granted to any employee who has a payroll advance outstanding.
4. An employee will not be advanced more money than has been earned at the time of the advance.
5. Approval of any payroll advance is subject to the employee's written agreement for the Tribe to withhold the amount sufficient to repay the advance in full by the next two (2) paydays.

VIII. CAREER DEVELOPMENT

A. Training at Recurring Seminars and Conferences

At the direction of the Yurok Tribal Council, work time may be used for staff meetings, committee participation, special education courses and conferences that will assist in employee development and improve the quality of work accomplished by the Tribe. Approval of employee attendance at regular scheduled seminars, workshops, and conferences will be to maintain or enhance staff's knowledge of various Department requirements and when appropriate to the employee's work assignment and functional responsibility.

All travel to, and attendance at, training sessions, conferences or other meetings will be canceled or reassigned upon notification of an employee's intent to terminate his/her employment with the Tribe. Any exception to this will be upon direction from the Tribal Council, and based upon their belief that it serves the best interest of the Tribe to allow the individual to attend.

B. Training given under an individual Employee Development Plan

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Training approved as part of an "Employee Development Plan" is the product of direct consultation between the individual employee and the immediate supervisor during the yearly "Employee Appraisal". Employees interested in career development shall raise the issue at this time but for adequate planning purposes employees should raise the issue as soon as they have interest. The over-all objective is to enhance the employee's value to their Department and the Tribe. It can also address the employee's needs for personal development.

The work-related portion of the plan will have a time frame for accomplishment and the successful completion will be directly linked to the individual's yearly performance evaluation.

Education assistance may be provided under the Employee Development Plan utilizing the procedures established below:

1. To be eligible for educational assistance employees must have regular status and at least one year of service with the Yurok Tribe.
2. Eligible employees may receive assistance only for courses of study that the Supervisor and Department Director determines are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the Tribe and to which the individual has a reasonable expectation of advancing.
3. Employees who want educational assistance must obtain approval from the Department Director and the Executive Director before enrollment. Department Director's must obtain funding approval for the assistance before making a recommendation for approval to the Executive Director.
4. The Department Director and supervisors should consider the following factors in evaluating requests for educational assistance:
 - The nature and purpose of the course of study;
 - The benefits to be derived by the employee and the Tribe;
 - The employee's level of responsibility and length of service;

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- The estimated cost; and
 - Any potential lost time or productivity while the employee participates in the program.
5. Employee's eligibility for educational assistance will be based upon the grade received for the course. Employees seeking educational expenses must agree in writing to repay the Tribe in full if they receive failed or incomplete grades.
 6. Employees seeking assistance for educational expenses must submit a transcript of their grades to the Human Resource Department to determine eligibility to participate in the Educational Assistance Program. These transcripts will be kept confidential.
 7. The Tribe will allocate up to \$200 per employee per semester to purchase books and assist with tuition if approved in the Department budget.
 8. Employees are expected under normal circumstances to schedule class attendance and the completion of study assignments outside of their regular working hours. The Tribe however, will offer flexible scheduling for employees taking college courses, provided that the objectives of the Department can be met in an efficient manner as determined by the Department Director. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.
 9. Records of all programs completed by employees participating or utilizing the Educational Assistance Program will be maintained by the Human Resource Department. Such records will be subject to the confidentiality requirements of the Tribe.

IX. EMPLOYEE SAFETY AND ASSISTANCE

A. Safety

All employees are responsible for exercising appropriate safety procedures necessary to prevent accidents and injuries. Violations that endanger any

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person's life, health or welfare will not be tolerated. Each employee's cooperation in meeting this responsibility is required. Any unsafe condition that any employee is aware of must be reported to his/her supervisor and to Human Resources immediately.

B. Personal Injury While Working

1. All employees are covered by workers' compensation insurance. Any accident or injury, no matter how small, must be immediately reported to the supervisor.
2. The employee must provide their supervisor with the following information:
 - Time
 - Location
 - Circumstances of accident
 - Description of injury
 - Witness names and addresses
3. The supervisor is responsible for giving the employee an industrial injury insurance form for completion and for notifying the Human Resource and Fiscal Department immediately. There is a legal requirement that the form be given to the employee within one working day after a supervisor becomes aware of a possible injury.
4. Once the employee returns the industrial injury insurance form, the supervisor should complete their required section and return the form to the Human Resource Department immediately.
5. Employees, who are responsible for driving Tribal vehicles, must read and certify their understanding of the policy on "Use of Tribal Vehicles".
6. Employees who use Tribal equipment are responsible for following the rules specified in the current "Equipment Use Policies".
7. Employees are responsible for reading, following, and understanding any future operational policies that may be adopted.

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C. First Aid

In each office a first aid kit is maintained and stocked at all times for use in the event of minor injuries. It is located in a designated area in each office. Should an injury occur, use common sense. Do NOT hesitate to call Emergency Services (911) for assistance if an accident occurs.

D. Fire Extinguishers

Fire extinguishers are located in various places on each floor in the buildings occupied by the Tribe. Locations of extinguishers are posted on each floor. Check with your supervisor to identify the location of the nearest extinguisher.

X. USE OF BUILDING AND FACILITIES

Employees are not permitted to use the building, equipment, or facilities after business hours without prior written authorization by the Executive Director.

XI. REPORTING TO WORK DURING EMERGENCY CONDITIONS

If, due to special circumstances, such as weather, electrical outage, or other uncontrolled incident, employees are unable to report to work, they are required to make every reasonable effort to contact the supervisor, or other responsible person, to receive instructions about an alternate work site, or to give notice that they will not be able to attend work.

1. Each employee will be given a list of emergency phone numbers which should be maintained for easy access when needed.
2. Upon verification by the supervisor and approval by the Executive Director, each employee who is unable to work due to the emergency conditions will receive a minimum of two (2) hours of payment as follows:
 - Employees who show up for work and are sent home by their supervisor prior to having worked two hours.
 - Employees who attempt to show up but are not able to get into the building due to hazards, etc.

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3. Employees who work at least two hours and are then subsequently sent home under directive from the Executive Director, or his/her designee, will be compensated only for the hours worked, paid in ½ hour intervals. Employee will not be compensated for drive time to and from the office. Employees may choose to use vacation time for the hours between those worked and a normal full workday (8 hours).
4. In accord with Personnel Policy No. 12-Leave of Absence, the Executive Director may authorize administrative leave under special and extraordinary circumstances.

XII. COMMUNICATION AND EQUIPMENT USAGE

Directors are responsible for instructing employees on the proper use of the communications services and equipment used by the organization for both internal and external business communications.

1. Most communications services and equipment have toll charges or other usage related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication and equipment usage.
2. All Tribal communication services and equipment, including the messages transmitted or stored by them, are the sole property of the Yurok Tribe. The Tribe may access and monitor employee communications and files as it considers appropriate. Communications equipment and services include, but are not limited to: mail, electronic mail (e-mail), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, and bulletin boards. Employees whose communications may be monitored generally will be so advised.
3. Only employees specifically authorized by the Tribe may access on-line services and the Internet. Authorized employees must disclose all Internet passwords to the

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Tribe and their supervisors, but must not share the passwords with other employees. Employees' on-line use is limited to work-related activities. In addition, employees should not, without proper authorization, duplicate or download any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property. When Internet material is downloaded appropriately, it should be scanned using the Tribe's antivirus software.

4. Tribal employees shall not use Tribal communication services and equipment for personal purposes. These communication services and equipment will be used by tribal employees only. Only in emergencies, or when extenuating circumstances warrant it and only then with supervisor approval, will these communications and equipment be used for personal use. When personal use is unavoidable, employees must properly log any user charges and reimburse the Tribe for them. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or personal account. Tribal communications property or equipment may not be removed from Tribal premises without written authorization from the employee's supervisor.