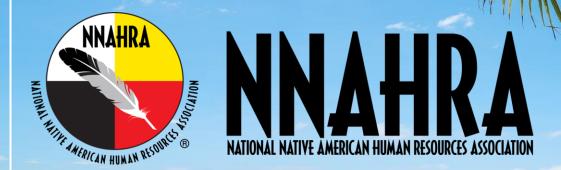
April 19 - 21



25th Annual Conference

Honolulu, Hawaii

DISCIPLINE PRACTICES THAT WILL KEEP HUMAN RESOURCES OUT OF TROUBLE

Campbell Badger

sbadger@dwmlaw.com

Richard McGee

richard@richardmcgeelaw.com



AGENDA

WHY? 11 RESPECTFUL RECOMMENDATIONS ENGAGEMENT



TOPIC ONE

Why?



TOPIC TWO

11 respectful recommendations



1. HAVE SYMBOLIC POLICIES THAT ARE NOT ENFORCED.

EXAMPLE: DISCRIMINATION AND HARASSMENT POLICIES ARE PROMISES OF WORKPLACE SAFETY. IF EMPLOYERS HONOR THOSE POLICIES IN THE BREACH, THEY WILL GENERATE CLAIMS AND POTENTIAL EMPLOYER RESPONSIBILITY.



2. INVESTIGATIONS THAT ARE NOT IN GOOD FAITH.

FOCUSED ON A PRE-DETERMINED RESULT INSTEAD OF THE FACTS.



3. DRAFT POLICIES THAT POTENTIALLY REDUCE THE TRIBE'S SOVEREIGNTY.



4. PRETEND THAT WEARING BLINDERS IS A FASHION STATEMENT.

COMPACTS, FEDERAL FUNDS, OFF RESERVATION ENTITIES.



5. THINKING THAT THE EMPLOYEE HANDBOOK IS THE ANSWER TO ALL WORKPLACE ISSUES.



6. A FAILURE TO AUDIT THE EXISTENCE OF POLICIES THAT ARE NOT APPROVED AND LIKELY CONTRADICT THE APPROVED POLICY MANUAL OR HANDBOOK.



7. A FAILURE TO AUDIT WHETHER TRIBAL COUNCIL (CURRENT AND PREVIOUS) HAS RESOLUTIONS OR OTHER DIRECTIVES THAT CONTRADICT THE TRIBE'S POLICY MANUAL OR HANDBOOK.



8. AN EMPLOYEE IS RECEIVING DISCIPLINE BECAUSE OF A POLICY VIOLATION THAT IS NOT INCLUDED IN THE POLICY MANUAL, HANDBOOK OR OTHER APPROVED SOURCE OF RULES AND EXPECTATIONS.



9. THE DISCIPLINE DOES NOT PASS THE PORRIDGE TEST BECAUSE IT IS OUT OF PROPORTION TO THE SEVERITY OF THE BEHAVIOR. TOO SOFT OR TOO HARSH.



10. A FAILURE TO DISCUSS THE BIGGER PICTURE

A. THE EMPLOYEE RECENTLY RETURNED FROM FML JOB PROTECTED LEAVE.

B. THE EMPLOYEE RECENTLY FILED A SEX HARASSMENT COMPLAINT AGAINST A POPULAR EMPLOYEE.

C. THE EMPLOYEE IS AGITATING FOR UNION REPRESENTATION.



11. CALLING THE FEDERAL ACRONYMS AND ASKING THEM TO AUDIT YOUR EMPLOYMENT PRACTICES.

CALL THE DOL, EEOC, NLRB OR THE IRS AND SHARE YOUR CONCERNS THAT THE TRIBE IS FALLING SHORT.



TOPIC THREE

Engagement



THANK YOU

