

THE KICKAPOO TRADITIONAL TRIBE OF TEXAS CODE OF CONDUCT

CHAPTER 21

Section 21.1 False Statements (Fraud):

No employee shall knowingly, willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test certification, appointment, complaint against a supervisor or fellow employee, or in any manner commit any fraud in connection with employment with the Tribe. Any employee doing so will be subject to a disciplinary action.

Section 21.2 Political Participation and Activities:

- a. Hold position: No employee shall continue to be employed with the Tribe after being elected to Tribal Council.
- b. Other Office: No employee shall hold any other public office filled in a partisan (candidates identified by Party Affiliation) election. Any employee may hold any appointive public office or public office filled in a non-partisan election when the holding of such office will not interfere with such employee's duties for the Tribe.
- c. Solicitation: No employee shall solicit contributions for any political office, cause, or party from any officers or employees during any time at which the officer or employee is performing paid services for the Tribe. No appointive, salaried or elected officer or employee of the Tribe shall attempt to coerce, command, advise or dissuade a tribal officer or employee to or from giving, lending or contributing anything of value for political purposes. No political signs, references, buttons, etc. shall be displayed on tribal property nor be worn or displayed by employees while on duty.
- d. Rights: Nothing contained herein shall be construed to prevent the exercise of the rights of appointive officers or employees as citizens to express their opinions and cast their votes.

Section 21.3 Gifts, Favors:

- a. Gifts for Appointments: No person seeking appointment to or promotion in the service of the Tribe shall either directly or indirectly give, render, or pay money, service, or other valuable things to any person for, on account of, or in connection with a test, appointment, proposed appointment, promotion or proposed promotion; provided however, that the provision thereof shall not apply to payments made to duly licensed agencies.

- b. Receipt from 3rd Parties: No reward, gift, favor, or emolument of value or other form of remuneration in addition to regular compensation shall be received by any employee for the performance or non-performance of duties from any vendor, contractor, individual or firm, or from any source having or proposing to have any relationship with the Tribe.
- c. Value Defined: Value shall be defined as any item or service which could be exchanged for any amount of money, goods, or services; or is offered for the purpose of persuading a Tribal employee to not be impartial in his decision.

Section 21.4 Financial Interest:

Except as otherwise provided by this section, no employee, or any business in which said employee or spouse of the employee has a proprietary interest, shall engage in;

- a. Selling, buying, or leasing property to or from the tribe.
- b. Contracting with the tribe.
- c. Buying or bartering for or otherwise engaging in any manner in the acquisition of any bonds, warrants or other evidence of indebtedness of the tribe unless disclosed and approved by Council thru Resolution.

The definition of employee in this section will be determined by tribal code but primarily is an individual that receives a payroll check from the Tribe.

Section 21.5 Outside Employment in Conflict:

No employee may engage in any employment activity or enterprise which has been determined by the tribal administrator to be inconsistent, incompatible, or in conflict with the employee's duties, functions, and/or responsibilities of the Department.

Section 21.6 Employment of Related Persons:

No person shall be hired, promoted, or transferred to a position which is under the supervision of a relative. For purposes of this rule, relative includes spouse, child, parent, brother, sister, son-in-law, daughter-in-law, parent-in-law, brother-in-law, and sister-in-law. Supervisory relationship includes immediate and intermediate supervisor, superintendent, and Department Head. In addition, persons related as defined above shall not be permitted to work in the same division except where, or the good of the service, the tribal administrator determines it does not create a potential conflict. In cases where relationship is created by marriage which would constitute a violation of this section, the persons involved shall be given a period of six months to resolve the conflict by reassignment, transfer, resignation, etc. The final decision relative to potential conflict will rest with the tribal administrator. This policy will be reviewed on a case-by-case basis and may be waived for any employee hired or promoted prior to July 1, 2009. However, the Tribal Administrator will make the final decision on a case by case basis concerning potential conflicts for those hired prior to July 1, 2009.

21.7 Solicitation:

No sales representative shall solicit or provide information to tribal employees on tribal property during working hours concerning any product or service unconnected with the employee's work responsibilities. No tribal employee shall make arrangement for or with sales representatives to solicit from or provide information to tribal employees as private customers during working hours. The only exceptions to this rule will be for United Way, any tribally recognized insurance or benefit, or as otherwise approved by the tribal administrator.

Section 21.8 Controlled Substances and Intoxicating Beverages:

- a. Overview: The use of alcoholic beverages and/or controlled substances as defined below and within the Tribe's Administrative policy on drugs and alcohol is prohibited during working hours and their use, in such circumstances, will result in severe disciplinary action up to and including dismissal. In addition, if an employee reports to work or drives a tribal vehicle while under the influence of alcohol or controlled substances, the same disciplinary procedures will be followed.
- b. Drugs and Prescriptions: Where it is necessary for an employee to take prescribed drugs, under the conditions established by the physician and prescription, to correct any medical condition, and these drugs may adversely affect the performance of the employee on the job or be a direct threat to the health and safety of the employee, fellow employees, or the public due to the nature of the employee's job, the employee must advise his immediate supervisor of the circumstances so that a sound decision can be made as to the employee's ability to perform his duties and eliminate hazards to the employees or to the public.
- c. In addition, it is a violation of the tribe's Drug Free Workplace policies to be engaged in; the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace or be under the influence of such substances at the workplace.

Controlled substances include, but are not limited to:

1. Narcotic Drugs,
2. Marijuana,
3. Amphetamines,
4. Barbiturates,
5. LSD and similar hallucinogens,
6. Cocaine, Heroin, etc.

Section 21.9 Discrimination:

No person in the employment of the Tribe shall discriminate in appointment, promotion, demotion, or dismissal or any person because of race, color, sex, age, political or religious opinion or affiliation, or national origin, marital or veteran status, or physical or mental disability or sexual orientation.


Section 21.10 Sexual Harassment:

- a. Definition: Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when, (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Generally sexual harassment is any unwelcome sexual advance, either verbal or physical. Verbal harassment includes sexual comments, suggestions, jokes or innuendoes, leering, ogling, or obscene gestures. Physical harassment includes deliberately touching another person in a sexual manner, such as brushing against someone's body, patting, squeezing or pinching as well as making sexual relations a condition for hiring, advancement, retaining a position or other personnel action.
- b. Because of the potential for sexual harassment charges by fellow employees when a supervisor dates a subordinate, any dating or more serious relationship of a supervisor and subordinate is strongly discouraged.

READ, PASSED, APPROVED AND ENACTED at a duly called Tribal Council meeting on this 6th day of August, 2009 and shown by our signatures.



Juan Garza, Jr., Council Chairman

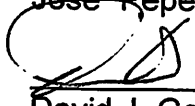


Jesus Anico, Council Secretary

Rogelio Elizondo, Council Treasurer



Jose "Repe" Trevino, Council Member



David J. Gonzalez, Council Member