

*EXECUTIVE MANAGEMENT POLICY
of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 21-018 (February 22, 2021)*

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OF THE
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EXECUTIVE MANAGEMENT POLICY

SECTION I. PURPOSE

The purpose of this Executive Management Policy (EMP) is:

- A. To provide for continuity of management and operations of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR);
- B. To clearly define the authority delegated to the Executive Director (ED) by the Board of Trustees;
- C. To identify the limitations of authority of the ED;
- D. To define reporting requirements of the ED;
- E. To set forth the selection and hiring process of the ED; and
- F. To set forth the annual evaluation process of the ED.

SECTION II. BACKGROUND

- A. The Board of Trustees, the Governing Body of the CTUIR, possesses both legislative and executive powers as established in the CTUIR Constitution. Pursuant to its legislative authority, the Board of Trustees enacts the policies, laws and budgets of the CTUIR for Tribal governmental agencies and enterprises. Pursuant to its executive powers, the Board of Trustees is charged with implementing these policies, laws and budgets.
- B. It is the intent of the Board of Trustees that the Executive Director, shall provide for the effective management of Tribal programs to ensure continuity of services to Tribal members and other Reservation residents.
- C. This shall include implementation and understanding of the CTUIR Treaty Rights, First Foods Mission and the protection of resources including the proactive planning and policy analysis and development to protect, restore, and enhance First Foods and the exercise of associated rights reserved in the Treaty of 1855.

SECTION III. ESTABLISHMENT AND SCOPE OF AUTHORITY OF THE EXECUTIVE DIRECTOR POSITION

The Board of Trustees establishes the position of Executive Director. The Executive Director shall provide management oversight and supervision for all aspects of Tribal government and administration.

- A. The Executive Director shall supervise the Deputy Executive Director and provide supervision through the chain of command to the following Department Directors, administrative, and management staff:
 - 1. Board of Trustees and Office of Executive Director support staff; and
 - 2. Staff as listed on the organizational chart; and
 - 3. Office of Legal Counsel (limited to administrative tasks related to Lead Attorney such as annual evaluations, review leave requests, signatures on timecards, etc.).
- B. As directed by the Board of Trustees, the Executive Director will have the authority and responsibility to implement the legislative actions of the Board of Trustees and to provide for the delivery of programs and services to Tribal Members and Reservation residents on behalf of the Board of Trustees. The Executive Director may delegate such duties as deemed appropriate.

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SECTION IV DUTIES OF THE EXECUTIVE DIRECTOR

The Executive Director shall have the following duties:

- A. To implement the policies, laws and budgets of the CTUIR as adopted by the Board of Trustees;
- B. To carry out the day-to-day government and administrative affairs of the CTUIR consistent with the policies, laws and budgets adopted by the Board of Trustees. In carrying out these delegated duties, the ED shall work with and report to the Board of Trustees as a body, and shall use appropriate CTUIR programs and staff. This general authority shall include, but is not limited to, the following:
 - 1. Oversight and Supervision: Oversight and supervision as shown in Section III to ensure that they are developing appropriate work plans and carrying out their assigned tasks, complying with relevant contract provisions, regulations and law, and following the policy and long-term planning directives of the Board of Trustees.
 - 2. Budget Development and Implementation: Ensure accurate projections of revenue and expenditures, and recommend budgets for all operations, investments and reserves, taking into consideration short and long term Tribal goals and economic self-sufficiency as directed by the Board of Trustees. Implement and authorize expenditures in accordance with Fiscal Management Policies and approved budgets.
 - 3. Procurement: Ensure procurement of necessary goods and services to carry out the policy and planning directives of the Board of Trustees, in accordance with the Fiscal Management Policies, budgetary limits and directives established by the Board of Trustees.
 - 4. Personnel: Ensure that proper hiring, supervising, and disciplining of personnel is conducted pursuant to the policies and procedures approved by the Board of Trustees in the CTUIR Personnel Policies Manual (TPPM).
 - 5. Specific Delegation: To delegate responsibilities and authorities to subordinates as appropriate to carry out Tribal business.
 - 6. Serve as a direct reporting employee to the Board of Trustees, and the Director atop the employee chain of command for the entities in Section III. The Board of Trustees recognizes that efficient operation of Tribal administration requires clear lines of authority and direction.
- C. The ED shall serve as the management liaison with the Chief Operations Officer or Executive Directors of the other CTUIR entities and the BIA Umatilla Agency Superintendent.
- D. Report regularly and frequently to the Board of Trustees on the status of Tribal projects, departments, programs, and any issues, concerns, and accomplishments of the CTUIR staff of those departments and programs.
- E. The Board of Trustees shall establish the overall organizational structure of CTUIR governmental departments and make any necessary changes in the overall organizational structure to ensure effective delivery of services, in accordance with adopted policies, laws and budgets of the CTUIR. The Executive Director shall consult with the Board of Trustees prior to approving any structural changes within departments. After considering Board of Trustees comments on proposed structural changes, the E.D. shall bring forth the final recommendation to the Board of Trustees at a regular Board of Trustees meeting for approval via motion.
- F. The Executive Director shall conduct all departmental reorganizations consistent with the process set out in the Tribal Personnel Policies and Procedures Manual, as well as the standards set forth below.

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G. In recommending changes to the established Tribal organizational structure, it is the expectation of the Board of Trustees that the Executive Director will apply effective organizational disciplines. The organization should make efficient use of all human and financial resources, integrate programs and services, have effective coordination and avoid duplication. The Tribal organizational structure shall be consistent with the following organizational standards:

1. It should focus resources on direct delivery of services, avoiding unnecessary layers of administration or management.
2. It should be structured consistent with purposes, functions and goals established by the Board of Trustees.
3. It shall be responsive to the people it serves and shall have clear lines of accountability and responsibility.
4. It should be proactive, and process decisions, authorizations, transactions and services effectively and efficiently.
5. Effective teamwork shall be expected throughout the organization in all efforts.

The Executive Director shall publish the Tribal organization structure at the beginning of each calendar year and at such other times as any material changes in the structure occur. The organization structure shall include a narrative that lists the names of all work units, key positions and total authorized positions for each work unit, the delegated functions and programs responsibilities to be carried on by each work unit and the lines of authority and accountability.

- H. The Executive Director shall have the authority to issue rules and regulations governing tribal government and administration as authorized by the Board of Trustees.
- I. Consistent with applicable policies and procedures, the Executive Director shall have the authority to negotiate, execute, sign and modify grant and contract documents which implement programs, activities and functions that have been approved by the Board of Trustees. This delegation includes signature authority for all agreements that are necessary for the successful implementation of the program, e.g., riparian agreements, sub-contracts, etc.
- J. The Executive Director shall ensure codification of all legislative acts of the Board of Trustees within the Tribal Codes.
- K. In coordination with the Board of Trustees Secretary and through the office of Records Management, the Executive Director shall ensure that minutes, resolutions, codes and all other associated records of the Board of Trustees and the CTUIR are properly maintained.
- L. The ED will be familiar with and knowledgeable about the CTUIR Codes and Policies. The Executive Director shall ensure that the required reviews of enacted Tribal laws and policies are conducted on a regular basis and recommend additions and changes to the Board of Trustees for their approval. Such matters brought to the Board shall be informed with integrated recommendations by professional staff as applicable, including technical, legal, financial, management and policy recommendations.
- M. The ED will have an understanding of the CTUIR News Media Policy as adopted by the Board of Trustees and the role of the Communications Office in such matters.

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- N. In order to protect life and property, the Executive Director shall exercise the emergency authorities delegated by the Board of Trustees through enacted laws and policies.
- O. The Executive Director shall ensure that legislation, regulations, initiatives, and other matters that may impact CTUIR interests and operations are monitored and reported to the Board of Trustees. Ensure that appropriate plans, strategies and actions are developed and implemented to address such matters and that appropriate CTUIR staff and lobbyists are consulted in these matters.
- P. The Executive Director shall assist the Board of Trustees in planning and goal setting. Ensure implementation of such plans and goals as directed by the Board of Trustees. Regularly report to the Board of Trustees on progress made towards achieving goals.
- Q. The Executive Director shall carry out administrative functions in support of CTUIR commissions and committees, such as the provision of administrative support services for such advisory bodies, or other duties as assigned, as expressly directed by the Board of Trustees in a Tribal policy, law or budget.
- R. The Executive Director shall demonstrate personal and professional integrity at all times, ensuring that CTUIR leadership is beyond reproach, and promoting the CTUIR in a positive manner.
- S. The Executive Director shall disclose any actual or potential conflicts of interest and shall not lobby individual Board of Trustees members for personal or professional gain.
- T. The Executive Director shall immediately report to the Board of Trustees any citation, arrest, conviction for a misdemeanor or felony crime, or the filing of personal bankruptcy or any filing of civil or regulatory action against him/her. Failure to report may result in disciplinary action.
- U. The ED shall ensure the operational continuity of the ED's responsibilities at all times, and after regular working hours will remain available by phone each day of the year. In the absence of the Executive Director, all powers and duties of the Executive Director shall be delegated to the Deputy Executive Director in an acting Executive Director capacity as outlined in writing.

SECTION V. EMPLOYMENT STATUS OF THE EXECUTIVE DIRECTOR

- A. TPPM Rights Variation. The Executive Director shall be a CTUIR employee with all the rights and obligations as defined in the TPPM, Executive Management Plan, except as expressly limited in this Policy. Upon hire, the ED will step into the position with a starting balance of 70 hours of annual leave, and 70 hours of sick leave. The ED annual leave rate will accrue at the maximum rate under the TPPM.
- B. Adverse Employment Actions. The Executive Director may only be terminated by the Board of Trustees "for cause", and such termination is subject to direct appeal to the Umatilla Tribal Court. Any other adverse personnel action taken against the Executive Director by the Board of

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Trustees, as a body, which is subject to appeal under the TPPM, shall be appealed directly to the Umatilla Tribal Court because appeal procedures established in the TPPM do not specifically address appeal procedures of the Executive Director position wherein the Board of Trustees is the supervisor, and an appealable adverse employment action by the Board is a CTUIR final decision for the purposes of judicial review.

For purposes of this Policy, a “for cause” termination of, or other appropriate personnel action against, the Executive Director may be based on the following:

1. Acts or omissions of the Executive Director that violate this Executive Management Policy;
 2. A violation of any specific directive issued to the Executive Director by the Board of Trustees;
 3. An act or omission by the Executive Director that involves conduct specifically prohibited by the TPPM;
 4. Failure by the Executive Director to successfully resolve or address within a reasonable time period deficiencies identified by the Board of Trustees in their periodic or annual performance evaluation; and
 5. Any act, error or omission of the Executive Director reasonably determined by the Board of Trustees to constitute a conflict of interest and/or inappropriate or unprofessional conduct by a person in a high management position.
- C. Hiring Procedures for the Executive Director Position. Due to the position’s unique role and responsibilities to the Board of Trustees, the Executive Director shall be hired using procedures set forth in this Policy and not by the process set forth in the TPPM. Unsuccessful applicants competing for this position shall have no appeal rights in relation to the hiring process as set forth in §3.04 of the TPPM.

All applications for the ED position shall be considered with the intent of selecting the best qualified candidate for the position. Considerations in making the selection shall include Tribal membership, Tribal affiliation, education, work experience, people skills, reference checks, performance in the interview, etc.

The following procedures shall be followed in selection of the Executive Director:

1. The Board of Trustees will, by motion, appoint a committee to facilitate the advertising for an Executive Director and to collect and screen the applications. The committee shall review applications that are received and determine which candidates may possess the best qualifications and skills required to carry out the duties and responsibilities of the position. At least one member of the Board of Trustees shall be named as a committee member.

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2. The committee shall be responsible for reviewing the job description and presenting any proposed changes to the Board of Trustees for final approval prior to advertising and recruiting.
3. The committee, or a subgroup of the committee, shall interview the candidates that are determined to have the best qualifications.
4. The committee shall present recommendations to the Board of Trustees on which candidates are best qualified and suitable for the position. Prior to submission of the final candidates to the BOT, the finalists shall each pass pre-employment requirements including drug and alcohol test, financial background check, and criminal background check. The standards for such testing shall be as follows:
 - a. Alcohol and Drug Test – Standards applicable to all Tribal employee pre-employment drug testing as set forth in the TPPM;
 - b. Financial Background – Standards for primary management officials under the Tribal Gaming Code; and
 - c. Criminal Background – Standards for primary management officials under the Tribal Gaming Code and standards imposed by the Indian Child Violence Prevention and Family Protection Act.
5. The Board of Trustees shall interview the top candidate(s) and make the final decision on which candidate is selected for the position. If the Board of Trustees finds none of the recommended candidates suitable, the committee will recommend additional candidates. If there are no suitable candidates to recommend, the committee will begin the recruitment process again.
6. The Board recognizes the importance of being a competitive employer for this key Executive responsibility. To recruit, hire and support retention of an ED, the Board may agree to:
 - a. An employment contract that protects the interests of the CTUIR and provides for the ED terms of employment. The TPPM shall apply to all terms not altered by this Policy and any employment contract. All such employment contracts should be negotiated terms of employment prior to the completion of the confirmed hiring of the ED; or
 - b. Hire the ED without an employment contract and subject to this Policy and the TPPM shall apply to all terms not altered by this Policy;
 - c. Recruitment or hiring terms that are allowable uses under the CTUIR Fiscal Management Policies or 2 CFR 200 and are supported by the available budget sources may be agreed to. Examples include, but are not limited to moving costs, leave accrual, pre-negotiated separation terms and other allowable uses of funds.

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- D. Filling Vacancy and Executive Director Position. During times that the Executive Director position is vacant, an Interim Executive Director shall be selected by the Board of Trustees and will assume the responsibilities and authorities of the Executive Director as outlined in this Policy on an interim basis.

SECTION VI. SUPERVISION, DIRECTION AND EVALUATION OF THE EXECUTIVE DIRECTOR

- A. Probationary Period. The Executive Director, upon being hired, is subject to a 120-day probationary period as defined in the EMP. Upon completion of the probationary period, the Board of Trustees shall be responsible for providing a written evaluation of the Executive Director's performance during their probationary period, per the procedures listed in the TPPM. The Human Resources Director shall be responsible for working with and providing the appropriate documents to the Board of Trustees at least two weeks prior to the end of the probationary period and assisting with the probationary period evaluation. Scheduling a time to conduct the probationary review of the Executive Director shall be treated as a high priority.

The Board of Trustees has the following options with regard to the probationary period evaluation:

1. Document successful completion of the probationary period;
 2. Document that he/she has not satisfactorily completed the probationary period and therefore will be discharged from CTUIR employment; or
 3. Document that his/her probationary period is being extended by a specified amount of time, which requires that the Board of Trustees document the specific reasons for extending the probationary period.
- B. Supervision of Executive Director Activities. The Executive Director shall receive assignments and initiate actions based on direction from the Board of Trustees as a body, not from individual Board of Trustees members. The Board of Trustees, as a body, shall consider and either approve or deny travel and leave requests.
1. The Chair of the Board of Trustees, or his/her designee, shall have the responsibility for signing timesheets, Board of Trustees-approved leave and travel requests, and other Board of Trustees approved personnel documents for the Executive Director .
- C. Periodic Evaluation of the Executive Director. The Board of Trustees, as a whole, shall evaluate the Executive Director on an annual basis based on his/her performance, determine if a merit pay increase is warranted, and authorize any such merit pay. Annual performance evaluations of the Executive Director shall occur the one year anniversary date of hire of each year. Sixty days prior to the ED employment anniversary, the ED will submit a self-appraisal to the Human Resources Director. The Human Resources Director shall be responsible for working with and providing the

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appropriate documents to the Board of Trustees to conduct the annual evaluations and assisting with the evaluation process and procedures. Scheduling a time to review the annual evaluations of the Executive Director shall be treated as a high priority.

Because the Board of Trustees members are policy makers and not administrators, they will not be expected to follow an evaluation form or other formal process. Rather, the Board of Trustees shall meet separately with the Executive Director in a private setting (at least annually) to discuss their performance, achievements, strengths, areas that need improving, and other related items. The Board of Trustees shall use the management responsibilities for each position outlined in this Policy as a guideline for evaluation discussion points, as well as the adopted job description.

The Board of Trustees shall summarize, in writing, its performance evaluation of the Executive Director for placement in the appropriate individual's personnel file. This summary shall specifically include any specific Board of Trustees directives for improvements or changes in performance of his/her duties and any deficiencies in job performance requiring correction or improvement.

The Board of Trustees has the option of engaging a suitable consultant(s) to assist them in evaluating the Executive Director. The consultant(s) shall use the management responsibilities outlined in this Policy as a guideline for evaluation discussion points, as well as the adopted job description. The consultant shall present his/her findings to the Board of Trustees.

APPENDIX A

LEGISLATIVE HISTORY

Adopted Sept. 30, 2002, Resolution 02-077
Revised Aug. 10, 2009, Resolution 09-105
Revised March 29, 2011, Resolution 11-034
Revised October 3, 2011, Resolution 11-092
Revised May 22, 2017, Resolution 17-031
Revised February 2, 2021, Resolution 21-018