

Grievance and Appeal Procedures for Human Resources Professionals in Indian Country • February 25-26, 2010 – Las Vegas, NV

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This hands-on class provides sample grievance policies and procedures.

Get your HR Certification and upgrade your credentials. This class is one of the requirements to earn your Indian Country Human Resources Certification. Visit www.falmouthinstitute.com or call 1-800-992-4489 for more information.

Grievance and Appeal Procedures

for Human Resources Professionals in Indian Country

February 25-26, 2010 • Las Vegas, NV

Attend this information-packed training session and learn:

- > Who has jurisdiction to review tribal employment claims
- > What documentation is needed in court
- > The steps involved in the grievance and appeal process
- > Whether or not tribal employees can be held liable as individuals
- > How the Indian Civil Rights Act impacts employment claims
- > The difference between at-will and for-cause employment



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Grievance and Appeal Procedures

for Human Resources Professionals in Indian Country

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This class is perfect for human resources professionals, administrative staff members, department managers and operations managers.

The purpose of the grievance and appeal process is to protect employees from improper treatment or management errors, but it must ensure fairness for employees and the tribal organization. Without a doubt, managing the process is challenging for tribal employers.

This two-day class will provide human resources professionals with tools to minimize the risk of claims and develop grievance process models and policies that are consistent and fair



to all parties. It will offer an overview of the Indian Civil Rights Act and its impact on grievance policies and employment claims. We'll walk you through a typical hearing and share the latest case law.

Whether you're an experienced human resources professional or a newcomer, you'll walk away from this session better prepared to address the difficult area of grievances and appeals.

TOPICS INCLUDE

Fundamental Questions

- › What is a grievance?
- › What is progressive discipline?
- › What are employee complaint policies?
- › What is due process?
- › Why give employees due process?
- › What's in it for employers?
- › Are tribal leaders, employees and officials potentially individually liable?

Sample Grievance Procedures

- › Common ingredients in sound grievance policies
- › Can different elements be combined to form unique policies?
- › Traditional approaches to dispute resolutions

Role of the Tribal Court

- › Scope of review
- › Delegation of the power of review
- › Exhaustion of administrative remedies

Minimizing Risk

- › Minimizing risk in employment-related claims
- › Kinds of claims that tribes are facing
- › Methods for minimizing employment claims risks

Federal Employment Laws

- › Which laws apply and which don't?
- › National Labor Relations Board (NLRB):
 - » Impact of decisions on grievances and appeals

Documentation

- › Opinion vs. fact
- › Frequency
- › Training
- › Role of documentation in grievances and court

Jurisdiction

- › Who has jurisdiction in reviewing tribal employment claims?
- › *Montana v. United States*

Traditional Dispute Mechanisms

- › Is there a role for traditional tribal dispute mechanisms?
- › Talking circles
- › Peacemaker forums

Indian Civil Rights Act (ICRA)

- › ICRA's impact on tribal grievance policies
- › ICRA's impact on employment claims
- › What the courts say
- › Effects of the tribal constitution, traditions and customs and other tribal laws
- › Potential theories of liability under the Act
- › Incorporation of ICRA
- › Effect on tribal due process
- › Application to Indians and non-Indians

Compare and Contrast

- › What are at-will and for-cause employment?
- › Can an employer use at-will and have a grievance policy?
- › Is a license revocation hearing the same thing as a grievance proceeding?

Legal Perspective

- › Can a grievance policy serve to limit employer liability?
- › Must tribal employers offer grievance policies?
- › Will grievances expose weak supervisors and poor policy?
- › Should employers appoint employee advocates?

Standard of Review

- › How is the "standard of review" defined?
- › Why is it important?
- › Should the tribal court participate?

Training

- › Should the grievance committee receive training?
- › **Exercise:** A grievance hearing in action

Topics subject to change.

Learn about claims that tribes are currently facing and methods for minimizing risk.

Employer-Employee Relationships

- › At-will
- › For-cause
- › Grievances
- › Due process
- › Employee handbook
- › Policies and procedures
- › Contracts
- › Waiver of immunity for employee claims
- › Chain of command

Grievances

- › Typical grievance issues
- › The options
- › Sample policy
- › Pitfalls
- › Benefits and detriments
- › Grievance procedure models
- › Procedure for handling employee grievances

Please check our Web site for information on these upcoming training sessions:

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March 2010

Developing Tribal Travel Policies Using IRS and OMB Guidelines
March 2010

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