

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL  
FOR THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL ESTABLISHING THE OGLALA  
SIOUX TRIBE RESEARCH REVIEW BOARD.

WHEREAS, the Oglala Sioux Tribe has adopted its Constitution and By-Laws by referendum vote on December 10<sup>th</sup>, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476), and under Article III § 1 of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, the Oglala Sioux Tribe receives many proposals requesting permission to conduct research involving tribal members as subjects of such research, and

WHEREAS, the Oglala Sioux Tribe possesses sovereign authority to regulate research conducted on the reservation through its inherent sovereignty and its police power over reservation lands, and

WHEREAS, the Oglala Sioux Tribe finds it appropriate to establish a board empowered to evaluate proposed research involving tribal members or to be conducted on the Pine Ridge Indian Reservation, and to provide recommendations about whether such research proposals should be consented to by the Tribe; now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council does hereby establishes the Oglala Sioux Tribe Research Review Board (OSTRRB), to be overseen by and provided technical assistance as available from the OST Health Administration, and

BE IT FURTHER ORDAINED, that all research proposals involving tribal members as subjects or to be conducted within the boundaries of the Pine Ridge Indian Reservation shall be submitted to the Oglala Sioux Tribal Research Review Board, which will evaluate the suitability of the research and research design and recommend whether or not the Tribe will permit and support such proposal, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Research Review Board is hereby delegated authority to approve research to be conducted within the jurisdiction of the Tribe, and such approval by the Board shall be communicated to the Chairperson of the OST Health and Human Services Committee or the President of the Tribe, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Research Review Board established hereby is authorized and requested to develop a Tribal Research Code designed to establish ethical procedures, guidelines, and regulations concerning the conduct, design, and

supervision of research on the Pine Ridge Indian Reservation and/or involving Oglala Sioux Tribal members as subjects, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Research Review Board established hereby is authorized and directed to develop for informational and public educational purposes, a research agenda identifying research projects which in the professional and learned opinions of the Oglala Sioux Tribal Research Review Board should have priority in consideration by the researchers interested in working to help the Oglala Sioux Tribe and its members, and

BE IT FURTHER ORDAINED, that any researcher and/or organization conducting research who conduct any activities outside their approved scope of work or who violate this ordinance will be removed from conducting research or any other business on the Pine Ridge Indian Reservation, and

BE IT FURTHER ORDAINED, that the no parts of the human body be taken postmortem (biomedical tissues, or body samples of any kind) from tribal members for research purposes or unless an individual tribal member requests it in writing and that responsibility not be delegated to any of our tribal members who are employed by research programs to seek consent for samples because it is culturally inappropriate.

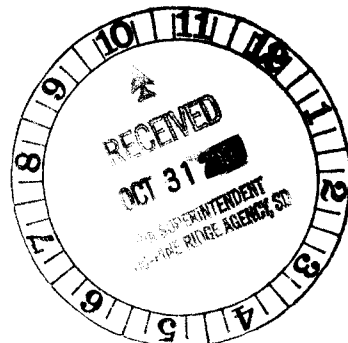
C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Recording Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe hereby certify that this Ordinance was adopted by the vote of: 15 for; 1 against; 0 abstaining; and 0 not voting; during a REGULAR SESSION held on the 24<sup>th</sup> day of OCTOBER 2007.

*D'Ann Her Many Horses*  
D'ANN HER MANY HORSES  
Recording Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

*John Yellow Bird/Steele* For:  
JOHN YELLOW BIRD/STEELE  
President  
Oglala Sioux Tribe



**Oglala Sioux Tribe  
Tribal Research Review Board  
OST TRRB**

**July 2007**

**Mission Statement**

**The mission statement of the Oglala Sioux Tribe Research Review Board is to negotiate by approving, facilitating, and monitoring all research projects, studies, analyses, statistics, surveys and assessments, and copyright contracts within the exterior boundaries of the Pine Ridge Indian Reservation. Any action taken will be for the benefit of and to prevent potential harm to the sovereignty of the Oglala Sioux Tribe, the people, land and resources, including but not limited to language and culture. We operate under the Oglala Sioux Tribe which is a sovereign nation granted by the treaties enacted between the Oglala Sioux Tribe and the United States of America.**

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## **Oglala Sioux Tribal Research Review Board**

### **Introduction**

The Oglala Sioux Tribe Research Review Board (hereafter referred to as "OSTRRB") was established through the Oglala Sioux Tribal Health and Human Services during the September 12, 2006 meeting.

The OSTRRB is an independent body that reviews research conducted within the exterior boundaries of the Pine Ridge Indian Reservation and/or involving tribal members or resources to minimize potential harms for the participants, families, and the community and to maximize potential benefits for the participants, families, and the community. The OSTRRB:

- Has the authority to approve and disapprove research conducted on within the exterior boundaries of the Pine Ridge Indian Reservation and/or involving tribal members or resources; and
- Is comprised of members from various sectors of the community to ensure the concerns of the groups involved in research are represented; and
- Has experience and expertise in the area of research ethics; and
- Has the authority to reduce conditions or decisions imposed on a particular research project by another review body; and
- Shall not be superseded by another review body to reduce OSTRRB conditions or decision regarding a particular research project; and
- Communicates regularly with the Oglala Sioux Tribal Council.

### **Policies and Procedures**

Term definitions are provided for underlined text as an appendix to this document.

#### **I. OSTRRB Authority and Responsibility**

Under authority granted by the Oglala Sioux Tribal Council (Resolution #), the OSTRRB is responsible to the OST Health Administration and through the OST Health and Human Services Committee, and ultimately the OST Council.

##### **A. Review and Approve Research**

The OSTRRB shall have the responsibility to review, and the authority to approve or disapprove, all research activities that involve tribal land, members, or resources including but not limited to language and culture. The OSTRRB shall be responsible for requiring necessary documentation on which to base their decisions.

##### **B. Suspend or Terminate Approval of Research**

The OSTRRB shall have the authority to suspend or terminate approval of research, as qualified above, that is not being conducted in accordance with OSTRRB decisions, conditions, and requirements, or that has been associated with unexpected harm to subjects.

**C. Impose Conditions and Requirements on the Duration of Disapproval**

Disapproval of an activity, termination or suspension of a previously approved activity or imposition of conditions or requirements for approval shall not be voided or modified by any other authority if the OSTRRB actions were the result of a process fully in conformance with written OSTRRB procedures.

**D. Tribal Council and OSTRRB**

The OSTRRB shall report to the Tribal Council on OSTRRB activities on a quarterly basis.

**E. OSTRRB and Other TRRBs**

The Oglala Sioux TRRB does not necessarily review research according to federal guidelines. In most cases, the Oglala Sioux TRRB reviews research in conjunction with the IRB of the University to which the investigator belongs and in conjunction with the Aberdeen Area IHS IRB. The Oglala Sioux TRRB is responsible for ensuring documentation of approvals from all applicable IRBs. If the research does not fall within the jurisdiction of an outside IRB (that reviews research according to the federal requirements), the Oglala Sioux TRRB may consult with experts to request an outside IRB to provide review or to identify another course of action.

**II. MEMBERSHIP**

**A. Member Types**

OSTRRB Coordinator shall organize and coordinate all meetings and reviews. The Coordinator shall review all applications and protocols for completeness.

OSTRRB Chair shall rotate among the OSTRRB members based upon age.

OSTRRB Members shall review all protocols presented for full board review and abide by all requirements of an active OSTRRB member.

**B. Appointment of Members**

*OSTRRB Chairs*

The OSTRRB Chair position shall rotate among all members of the OSTRRB based upon the eldest to youngest.

*OSTRRB Members*

The OSTRRB shall consist of no less than 9 members and no more than 13, one of whom will be the OST Health Administrator. The Oglala Sioux Tribal Research Review Board Coordinator shall advertise vacant positions and accept vitas/resumes from interested applicants. The OSTRRB will then review, screen, interview and select new board member(s) from the applicant pool. Appointments to the OSTRRB shall conform to composition requirements (see Section C).

*Removal*

Any OSTRRB member may be removed for causes related to conduct, attendance, performance of assigned duties, conflict of interest, or administrative activities. Members may not be removed solely on the basis of their opinions or decisions related to matters coming before the OSTRRB. Appeal is limited to request for reconsideration addressed to the OSTRRB.

**C. Composition**

*Qualifications in General*

Members of the OSTRRB should uphold the mission statement in all decision making and representation of the OSTRRB activities.

Members should possess a professional, sincere and active interest in the activities of the OSTRRB.

The OSTRRB as a whole should be comprised of members with diverse backgrounds and should have the scientific, administrative, and cultural understanding necessary to review the research activities assigned to it and appropriate to the unique circumstances of the tribe.

There shall be no less than nine (9) board members and shall not exceed thirteen (13) members.

*Stipends*

Members may receive stipends necessary to attend meetings as the OSTRRB shall revolve the location of meetings around the Pine Ridge reservation, if funds are available.

*Diversity*

Members should represent a variety of sectors of the community.

*Nepotism*

The OSTRRB will abide by the nepotism policy stated in the Oglala Sioux Tribe's Policies and Procedures.

*Authorized Representation:*

The OST Health Administration has the sole authority to speak on behalf of the OSTRRB. The OSTRRB Coordinator may be authorized to act in the absence of the Health Administrator. The OSTRRB members will refer all inquires to the Health Administrator and Coordinator.

## **D. Member Responsibilities**

### *Member Trainings*

OSTRRB trainings for members shall be provided as necessary and as funds are available. All new members shall complete an OSTRRB-approved training within 30 days of selection and prior to being formally seated by the OSTRRB. OSTRRB should submit proof or certifications to the OSTRRB Coordinator upon completion of all trainings.

### *Attendance*

Members shall be available to review protocols listed on the monthly agenda. If members are unable to attend, members are responsible for informing the Coordinator and providing any feedback at that time about reviewed protocols. It is expected that OSTRRB members take an active interest in reviewing and protecting our mission and purpose, therefore members who do not attend at least one meeting in a three month period will be considered for removal.

### *Code of Ethics*

- Members will uphold the mission statement of the Oglala Sioux Tribal Research Review Board.
- Members will conduct themselves in a professional and respectful manner at all times.
- Members will disclose any and all relationship with presenters prior to presentation and will excuse themselves from discussion and decision making to avoid a conflict of interest.
- Members will display active participation by reading protocols, manuscripts; any other pertinent information, complete required training and attend scheduled meetings.
- Members will abide by the authorized representative clause.
- Members will not use their role as a TRRB member for personal gain or influence.
- Members will not accept bribes.
- Members required are to report unethical & unlawful acts.
- Must maintain certification.
- Members will not encourage, engage in or promote gossip or negative comments.

Members will sign a full faith and disclosure form upon acceptance to the OSTRRB. This document will be legal and binding regarding the members' relationship to researchers and shall ensure professional behavior and avoid conflicts of interest.

## **III. OSTRRB REVIEW PROCESS**

A full board review shall be conducted for all research not limited to protocols, manuscripts, and publications. There will not be any passive consent for participation in research conducted nor for manuscript publication, presentation, or submission. The tribe does not 'exempt' any submissions.



**A. Relevant Expertise**

When necessary, people with expertise appropriate to the research will be consulted.

*Particular Subject Groups*

When research is reviewed dealing with a particular category of subjects (e.g., children, pregnant women, people with diabetes, elders, etc), the OSTRRB shall include in its reviewing body one or more individuals who have, as a primary concern, the welfare of these subjects.

*Scientific or Technical Expertise*

The OSTRRB may invite consultants to provide assistance regarding a particular review that is technical or scientific in nature, for which OSTRRB members do not possess expertise. Consultants shall be invited by the OSTRRB to review the research protocol prior to the meeting and provide their analysis or summary verbally or in writing. A list of potential consultants will be maintained by the OSTRRB Coordinator. The OSTRRB and Coordinator shall ensure that consultants will not have any conflict of interest with the protocol in question.

**B. Full Board Reviews: TRRB Meetings**

Full board reviews shall be conducted for all initial reviews on a monthly basis.

*Frequency*

Meetings will be held on a monthly basis. The monthly meetings are scheduled for the 2<sup>nd</sup> Friday of every month from 9:30AM until 3PM. Special meetings may be called by request of OSTRRB membership.

*Quorum*

To take action on research and publication review, a quorum shall include the presence of at least half plus one of the OSTRRB members. This quorum shall be present at the beginning and throughout the period of deliberation and decision-making.

*Decisions*

When a quorum is present and an issue presented, decisions will be made by consensus.

*Guests*

- **Consultants:** Consultants may be invited by the OSTRRB Coordinator to be present at the meetings to provide analysis or summary of the technical or scientific aspects of the protocols. OSTRRB members may ask questions to the Consultants for clarification and investigation necessary for consideration of relevant research review applications and operations of the OSTRRB .

- **Investigators:** Investigators of research protocols being reviewed will be present at the OSTRRB meeting. Investigators and any other representatives of the research project must leave prior to OSTRRB deliberations and decision-making.
- **Other guests:** Non-members of the OSTRRB may be present at meetings with the permission of the OSTRRB. Guests may be asked to leave the meeting.

### *Agenda*

The general agenda for scheduled TRRB meetings is as follows:

1. Wocekiye
2. Woksape
3. Establish Quorum
4. Review of prior meeting minutes
5. Financial Status Report
6. Full board Reviews
  - a. Review of modifications of existing studies (full board review).
  - b. Review of newly proposed or resubmitted research (initial review).
    - i. Summary presented by Primary Reviewer
    - ii. Floor open for discussion
  - c. Review of reports and abstracts for publication approval.
    - i. Summary presented by Primary Reviewer
    - ii. Floor open for discussion

### *Minutes*

The minutes of each meeting should contain at minimum:

1. Quorum of voting members by name with Chair identified
2. Guests present by name
3. All actions taken by OSTRRB
4. Written summary of discussion
5. Explanation of the basis for requiring changes or disapproving research
6. Record of OSTRRB members' conflict of interest with statement that this member did not participate in the review except to provide requested information
7. Location for next meeting, if known
8. Starting and ending time of meeting

### **C. Correspondence with Principal Investigators**

All official correspondence with investigators shall be made in writing, incorporating the concerns and decisions of the OSTRRB will be signed by the OSTRRB Coordinator and OST Health Administrator.

## **IV. RECORDS**

- A. The OSTRRB shall maintain the following records:

1. Copies of all research proposals reviewed, scientific evaluations, if any, that accompany the proposal, approved sample consent documents, progress reports submitted by research investigators, and reports of injuries to subjects.
  2. Any and all data generated.
  3. All minutes of OSTRRB meetings.
  4. Minutes or reports of continuing review activities.
  5. Copies of all correspondence between the OSTRRB and the research investigators.
  6. Statements of significant new findings sent to subjects as required by 46 CFR 46.116(b) (5).
- B.** A list of currently appointed OSTRRB members with curricula vitae or resumes, required certificates of completion for OSTRRB-approved trainings, statement of potential conflict of interest, and any other relevant information related to membership.
- C.** Correspondence with the Tribal Council.
- D.** Other official correspondence with other agencies, including but not limited to, OHRP, IHS Research Director, Aberdeen Area IHS IRB, National IHS IRB, and University IRBs.
- E.** Written policies and procedures for the OSTRRB as required by 46 CFR 46.103(b) (4).
- F.** All publications and manuscripts resulting from research.
- G.** Data produced by the research.

**V. REPORTING PROCEDURES**

The OSTRRB shall promptly report information to the Oglala Sioux Tribal Council, OHRP, and Aberdeen Area IHS Research Director as applicable. The OSTRRB shall follow the procedures below:

**A. Regarding individual research protocols (Issues of non-compliance)**

1. Serious or continuing non-compliance by research investigators with the requirements or conditions of the OSTRRB will be reported to OHRP and the Aberdeen Area IHS Research Director as applicable.
2. Injuries to human subjects will be reported to OHRP and the Aberdeen Area IHS Research Director as applicable.
3. Unanticipated problems involving risks to subjects or others will be reported to OHRP and the Aberdeen Area IHS Research Director as applicable.
4. Suspension or termination of OSTRRB approval will be promptly reported to the Aberdeen Area IHS Research Director along with a statement of the reasons for the OSTRRB action, if the research involves IHS facilities, resources, or staff.
5. Allegations or evidence suggesting research misconduct will be reported promptly along with the results of the OSTRRB investigation, if any, to OHRP and the Aberdeen Area IHS Research Director as applicable.

**B. Regarding OSTRRB Proceedings and Procedures**

## **Draft OSTRRB Policies and Procedures**

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1. OSTRRB minutes containing results of deliberations shall be promptly sent to the Oglala Sioux Tribal Council.
2. Minutes or portions thereof may be provided to non-members of the OSTRRB at the discretion of the OSTRRB.

## APPENDIX: DEFINITIONS & DESCRIPTIONS

### Protocol

The protocol refers to the research proposal including all supplemental documents. The following is a list of elements that may constitute a complete protocol.

### *Narrative*

- Background and Need
- Methods and Sampling
- Recruitment and Consent Process
- Data Collection Method
- Data Security and Confidentiality Procedures
- Data Analysis
- Data Reporting Procedures

### *Supplemental documents*

- Documentation of Other Approvals
  - University TRRBs
  - Aberdeen Area IHS TRRBs
  - AATCHB resolution
- Recruitment and Consent Process
  - Soliciting advertisements
  - Recruitment letter or information sheet
  - Telephone Script
  - Informed Consent Form
  - Child assent form
  - Parental permission form
- Data Collection Methods
  - Data abstraction form
  - Questionnaire/Survey
  - Intake forms
- Data Reporting
  - Semi-annual Reports
  - Final Report
  - Manuscripts for publication
  - Posters and Presentations
  - Brochures for community
  - Any other sources produced from data

### Review Levels

- *Full Board Review:* All members of the TRRB review the protocol during a TRRB meeting.
- *Expedited Review:* There will be *no* expedited reviews.

### **Indian Health Service IRB**

The IHS IRB for each Service Area has the responsibility to review all research involving any IHS facility, resources, or staff for that Service Area. The Aberdeen Area IHS IRB has the responsibility to review research conducted using IHS facility, resources, or staff in the Aberdeen Area, in which the Hospital is located. IHS IRBs review research according to the federal guidelines for human subject's protections.

### **University IRB**

Investigators affiliated with a university or other entity may have research reviewed by their respective IRB. University IRBs review research according to the federal guidelines for human subject's protections.

### **Review Types**

- *Initial Review*: When the protocol is first reviewed by the full board.
- *Annual Review*: A protocol that has received approval is reviewed annually, to ensure compliance with original protocol and as a status update.
- *Amendments*: Significant changes to the original approved protocol.
- *Project materials*: Advertisements or project promotional materials for subjects.
- *Final Review*: Review of final report at the conclusion of the project.
- *Manuscripts*: Manuscripts for publication or presentations at conferences.

### **Types of Decisions**

- *Approve*: The OSTRRB approves the research to commence. An annual review will be scheduled at minimum one year following the date of the approval, or more often as determined by the OSTRRB.
- *Approve with Recommendations*: The OSTRRB has recommendations for the investigators, but approves the research to commence. The OSTRRB approval is not contingent on the modification of the protocol based on recommendation. An annual review will be scheduled at minimum one year following the date of the approval, or more often as determined by the OSTRRB.
- *Approve with Contingencies*: The research may not commence. The OSTRRB approves the overall concept of the research, but has concerns that must be addressed by the investigators. Once the investigators address all contingencies adequately, the OSTRRB will consider the decision of approval.
- *Defer*: The research may not commence. The protocol lacks critical components for the OSTRRB to reach a decision. Once the investigators provide the additional materials and details, the OSTRRB will consider making a decision regarding the protocol.
- *Disapprove*: The research may not commence.

**APPENDIX: Administrative Tasks**

*Setting up a Full Board Meeting*

- Set up meeting
  - Call members to identify a date
  - Conduct reminder calls to members
- Prepare paperwork for meeting (develop agenda, arrange all necessary papers such as meeting minutes)
- Prepare packets (make copies)
- Distribute packets
- Write and mail letters
- Complete meeting minutes

*Tasks for maintaining OSTRRB correspondence with investigators*

- Track research semi-annual reports
- Send annual renewal notices
- Conduct expedited reviews
  - Prepare paperwork for PR (memo)
  - Distribute protocol to PR
  - Obtain PR Summary
  - Write and mail letter
  - Note on agenda for next meeting as update
- Respond to questions from investigators as necessary

*General OSTRRB record keeping and maintenance*

- File hard copy paper and maintain electronic records
- Maintaining database
  - When protocol is received for initial review
  - When a review is conducted
  - At the conclusion of a meeting
- Collect payment from investigators
- Correspond with Oglala Sioux Tribal Council

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL ADOPTING THE OGLALA SIOUX TRIBE PERSONNEL POLICIES AND PROCEDURES MANUAL.

WHEREAS, the Oglala Sioux Tribe has adopted its constitution and by-laws by referendum vote on December 10, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476), and under Article IV of the Constitution the Oglala Sioux Tribal Council is the governing body of the Pine Ridge Indian Reservation, and

WHEREAS, on May 19<sup>th</sup>, 1989, the Oglala Sioux Tribal Council adopted Ordinance No. 89-08, which is entitled "Ordinance of the Oglala Sioux Tribal Council adopting the New and Revised Oglala Sioux Tribe's Personnel Policies and Procedures", and Resolution No. 89-59, which is entitled, "Resolution of the Oglala Sioux Tribal Council Rescinding Resolution No. 88-32 and Resolution No. 81-32", and

WHEREAS, there have been numerous amendments to the current Oglala Sioux Tribe's Personnel Policies and Procedures and Department of Labor, Fair Labor Standards Act, and Federal Laws have changed, and

WHEREAS, the Oglala Sioux Tribal Council has determined that the Oglala Sioux Tribe's Personnel Policies and Procedures Manual must be revised, now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council does hereby accept and adopt the attached, "Oglala Sioux Tribe's Personnel Policies and Procedures Manual", which are incorporated by reference as fully stated herein, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council does hereby rescind Ordinance No. 89-08, Ordinance No. 89-15, Ordinance No. 89-59, Ordinance No. 90-10, Ordinance No. 95-13, Ordinance No. 96-12, Ordinance No. 00-05, Ordinance No. 00-24, and any/all other Ordinances/Resolutions of the Oglala Sioux Tribe, which are in conflict with this Ordinance, and

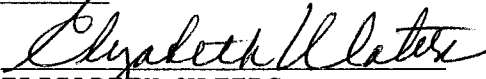
BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council does hereby amend Ordinance No. 01-24, POLICY NUMBER EIGHT - PERSONNEL, 1) The "... Personnel Board..." to state "...Human Resources Selection Committee...", and



BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council does hereby state and declare that all persons who are currently employed by the Oglala Sioux Tribe shall retain the same status of employment under the newly adopted Oglala Sioux Tribe's Personnel Policies and Procedures as they had under the old Oglala Sioux Tribe's Merit System.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the unsigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe hereby certify that this resolution was adopted by the vote of: 10 FOR; 7 AGAINST; 0 ABSTAINING; 0 NOT VOTING during a REGULAR SESSION held on the 29<sup>th</sup> day of JANUARY 2007.

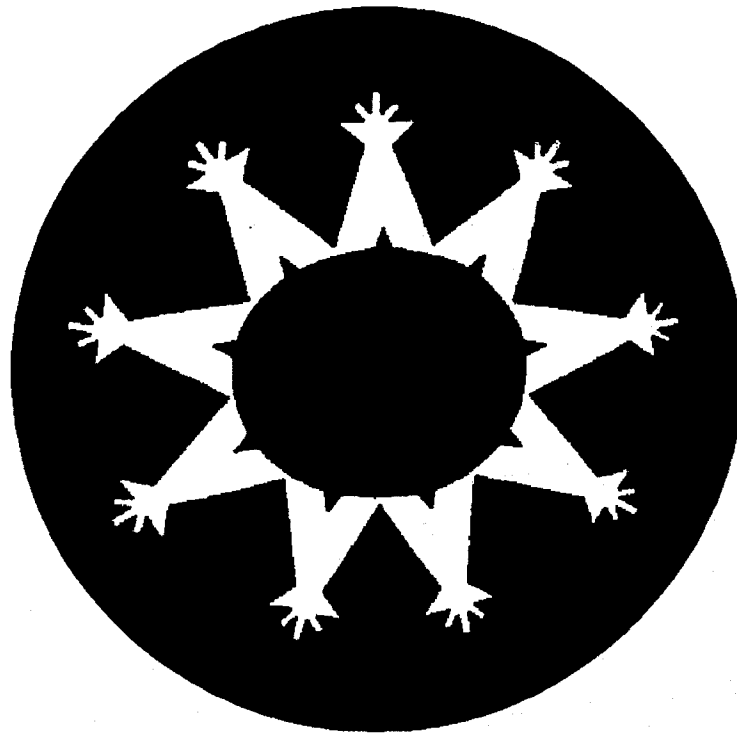
  
ELIZABETH WATERS  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

  
JOHN W. YELLOW BIRD/STEELE  
President  
Oglala Sioux Tribe



# The Oglala Sioux Tribe



## Personnel Policies and Procedures Manual

### **Pine Ridge Indian Reservation**

Approved by  
Oglala Sioux Tribal Council  
January 29, 2007

## **G. Wages and Salary Adjustments**

All wage and salary adjustments shall be based on merit awards, step increases, acting supervisory appointment and the availability of funds. Adjustments shall become effective the following January.

1. Step Increases - The HRD Director shall perform an annual analysis to determine the rate of annual wage adjustment. OST employees regardless of regular full or part time status shall be eligible for step increases depending on the availability of funding.
2. Acting Supervisory Appointment - Depending on the availability of funds, an employee in acting supervisory appointment status may be eligible for additional compensation for an appointment exceeding thirty (30) working days and at a rate commensurate with the vacant position. Such adjustment shall be subject to approval by the immediate supervisor and HRD Director prior to assuming acting appointment status. Acting appointment status shall not exceed ninety (90) working days.
3. Shift Differential - To compensate bi-weekly paid employees for the inconvenience of working during evening and night hours, a shift differential will be paid. The job classifications eligible for shift differential,

and the amount of the differential is determined by the HRD Director, Executive Director, Program Director and Payroll Supervisor.

Full-time employees who work more than four hours on the evening or night shift are eligible to receive shift differential pay for the total number of hours worked. Employees working four hours or less on the evening or night shift will not be paid shift differential.

- The evening shift is any shift that regularly starts on, or after, 2:00 p.m. but before 9:00 p.m. and shall be compensated at \$0.25/hour.
- The night shift is any shift that regularly starts on, or after, 9:00 p.m. but before 4:30 a.m. and shall be compensated at \$0.50/hour.

## **H. Merit Awards**

Merit awards may be given to employees who have consistently demonstrated meritorious performance contingent upon available funds and program director recommendation. The type of merit award will be based upon program director's discretion. An employee who has received any form of disciplinary action shall be ineligible for a merit award. An annual performance evaluation must have been completed. Monetary merit awards must also include a Personnel Action Notice.

1. Purpose – The OST Incentive Awards Program is designed to strengthen tribal programs by motivating and encouraging tribal employees to increase productivity and creativity and by recognizing and rewarding those employees, individually or as a group who have contributed to the improvement of tribal program operations.
2. Responsibility – It is the responsibility of the Program Directors to:
  - a. Explain the Incentive Awards Program to their employees and encourage their employees to submit suggestions for the improvement of operations;
  - b. Encourage employees to actively participate in improving the efficiency and economy of tribal programs;
  - c. Identify and nominate for awards those employees who have made a contribution or who have performed in a superior manner; and
  - d. Follow through to assure prompt action on employee contributions and subsequent recommendation for recognition.
  - e. Monetary recognition award will be subject to program budgets allowable under A-87.

### 3. Types of Recognition

#### Monetary

- a. Superior Accomplishment Awards – monetary awards or non-monetary awards which are granted in recognition of a contribution resulting in tangible benefits or savings and/or intangible benefits to tribal government.

Acceptance of monetary award constitutes an agreement that in the event the tribe utilizes the idea, method or device for which the award is paid, it does not constitute basis for further claim against the Oglala Sioux Tribe.

A monetary Superior Accomplishment Award is in addition to regular pay and does not increase the employee's salary.

- i) Cash awards for suggestions
- ii) Cash awards for inventions

- b. Special Acts or Services – Awards may be granted to a tribal employee or group for a special act or service when it is:
  - i) a contribution or accomplishment in the public service within or outside job responsibilities. A group award may be given, but justification must include the specific contribution of each member of the group. The award may be shared equally or in proportion to the individual's contribution toward the group effort.
  - ii) a scientific achievement;
  - iii) an act of heroismThese awards are not mandatory but a management prerogative.

#### Non-Monetary

- c. Distinguished Service Award – Given for outstanding skill or ability in duty performance; and outstanding record in administration or any other exceptional contribution to public service.
- d. Outstanding Service Award – Initiated by Tribal Council or the OST President and may be granted for outstanding contribution to the Oglala Sioux Tribe.
- e. Meritorious Service Award – Granted for contribution to management, a notable career with the Tribe, superior service in administration or in the execution of duties, initiative in devising new and improved work methods and procedures, superior achievement in improving safety or health of employees or employee morale.