

CDTHA PERSONNEL POLICY

MARCH 19, 2009

Section I	4
Introduction.....	4
Modifications	4
Scope.....	4
Non-Discrimination	5
Personnel System	5
Administration	5
Personnel Policy Manual	5
Dissemination of Personnel Policy Manual.....	5
Records	5
Section III	6
Reporting of Accidents	6
Safety	6
Vehicles / Seatbelts.....	6
Section IV	6
Statement	6
Definitions of Harassment	7
Individuals and Conduct Covered Under This Policy	7
Retaliation Prohibited	8
Complaint Procedure	8
Compensatory Time / Overtime.....	9
Merit Increases.....	9
Salary Procedures.....	9
Section VI	10
Disclaimer	10
Employee Assistance Program	10
Life Insurance	10
Medical / Dental / Vision Insurance	11
Retirement.....	11
Short-Term Disability Insurance.....	11
Social Security Coverage.....	11
Unemployment Insurance	11
Worker’s Compensation	11
Section VII	12
Administrative Leave.....	12
Paid Time Off (PTO)	12
Disability Leave – Work Related.....	13
Educational Leave of Absence (ELOA)	14
Family Medical Leave	14
Funeral Leave.....	15
Holiday Leave.....	15
Jury Duty Leave.....	16
Leave Without Pay.....	16
Military Leave.....	17
Voluntary Boards/Committee Leave	18
Voting	19

Section VIII	19
Cash Advances.....	19
Employee Classifications.....	19
Payroll.....	19
Time Sheets.....	22
Employment	22
Confidential Information	22
Demotions	22
Employment of Relatives.....	22
Establishment of New Positions	23
Hiring/Staffing of New Employees	23
Applicant Interview	24
Minimum Qualifications	24
Hours of Work	24
Inclement Weather	24
Indian Preference	25
Probationary Period	25
Promotions	26
Reclassification of Positions.....	26
Receipt of Favors and Gifts	26
Reduction in Force (RIF).....	27
Rehire.....	27
Resignations.....	27
Transfers	27
Travel	27
Work Standards	28
Absence from Work.....	28
Confidential Information	28
Dress Code.....	29
Off-Duty Behavior.....	29
Other Personnel Actions	29
Alcohol Consumption	29
Corrective Action.....	29
Grievance Process.....	31
Internet and Electronic Mail Policy	32
Smoking In the Workplace	33

Section I Introduction and Scope

A. Introduction

Employment with the CDTHA is at-will. Either the CDTHA or the employee may terminate the relationship at any time, for any reason, with or without notice. Neither the CDTHA policies, practices or this manual are intended to confer any contractual right or alter the at-will employment relationship. This manual is not intended to be comprehensive or to address all possible applications of, or exceptions to, the general policies described herein. Neither this manual nor any CDTHA document, confers any contractual right, either express or implied, to remain in CDTHA employ. Nor does it guarantee any fixed terms and conditions with regard to employment.

While the policies, practices and procedures set forth in this manual generally apply to contract employees, the employment relationship is governed by the contract itself. Employees under a contract, signed by the individual and an authorized representative of the CDTHA, are subject to termination procedures set forth in the contract.

B. Modifications

The policies, procedures, practices and benefits described herein may be modified or discontinued from time to time. The CDTHA Finance & Operations Office will notify employees of changes as they occur. The CDTHA reserves the right to modify, revoke, suspend or terminate any or all such plans or policies in whole or in part, at any time, with or without notice to employees.

C. Scope

Employees covered by/or referenced in this manual have been divided into several categories as follows:

Coeur d' Alene Tribal Housing Authority Board of Commissioners – Five (5) members of the Coeur d' Alene Tribe (CDT) selected to help manage the business affairs of the Coeur d' Alene Tribal Housing Authority. The Board of Commissioners is responsible for employing an Executive Director pursuant to the CDTHA Ordinance, Chapter 47: Tribal Housing Administration, page47-11(30), as follows:

To employ an Executive Director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Housing Administration may require; and to delegate to such officers and employees such powers and/or duties as the Board shall deem proper .

Executive Director –The CDTHA employee authorized to oversee the day-to-day operations and administration and has supervisory authority over all employees of the CDTHA.

Department Directors, Supervisors – Those CDTHA employees who supervise and have Department and Program decision-making authority.

Regular Full-Time – Those employees hired into a regular full-time position working a consistent schedule of 40 hours a week.

Regular Part-Time – Those employees hired to work a standard number of hours per week (less than 40 hours weekly, and who maintain continuous regular part-time employee status.) (For benefits see Employee Classification Policy.)

Other Employee Classifications- Other employee classifications consistent with the CDTHA classifications may be utilized, although this occur very infrequently.

D. Non-Discrimination

Equal employment opportunity shall be assured in all CDTHA employment. Discrimination in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of the CDTHA Personnel Administration because of political or religious opinions or affiliation, membership or non-membership in any organizations, or because of race, color, national origin, marital status, or other non-merit factors is prohibited, except that members of the Coeur d'Alene Tribe or members of other federally recognized tribes may be given preference pursuant to the section herein entitled "Indian Preference Policy."

Section II Personnel System

A. Administration

The administration of the CDTHA's personnel system established in this manual shall be the responsibility of the Executive Director. The Executive Director may appoint a designee(s) to assist in the day-to-day administration of the policies.

B. Personnel Policy Manual

This manual, as previously defined, shall provide the policies and procedures to guide the Executive Director, or designee(s), in administering the personnel system.

C. Dissemination of Personnel Policy Manual

Each employee of the CDTHA shall be provided with a copy of the Personnel Policy Manual as a guide. It is strongly recommended that each employee become thoroughly familiar with its contents, and more importantly, that any questions which may arise about personnel policies, be discussed with the Executive Director or designee. Recommended modifications or clarifications must be submitted to the Executive Director for presentation to the CDTHA Board of Commissioners' for review and/or approval.

D. Records

A central file system for each employee will be maintained in the Finance & Operations Office containing materials, correspondence and records pertaining to the CDTHA personnel regarding their employment. Employees can make an appointment with the Finance & Operations Director to review their personnel records in a supervised location. Files cannot be removed from the

Finance & Operations Office, but a one-time free copy may be provided at the employee's request. Supervisors have limited access to respective employee files.

Section III Safety and Safe Work Environment

A. Reporting of Accidents

Employees are required to report all on-the-job accidents/illnesses/injuries to their supervisor immediately. Supervisors are responsible for obtaining prompt and appropriate medical care from a qualified person for the injured/ill employee as soon as an injury has occurred. The supervisor must report the incident to the Finance & Operations Office as soon as practicable following the incident. Failure to report accidents, illnesses, or injuries may result in disciplinary action.

B. Safety

The CDTHA is committed to ensuring the safety of its employees, clients, and members while engaged in activities on the CDTHA property or while driving or riding in a vehicle owned by or under the control of the CDTHA.

Employees are required to immediately report any unsafe or hazardous conditions they become aware of to their immediate supervisor, and take any practicable steps to prevent any persons or property from being harmed by these conditions. Department Directors are required to report such conditions to the Executive Director and are further required to take the necessary action or practicable steps within their power to prevent any persons or property from being harmed by these conditions. This includes the reporting of employees who may be under the influence of drugs or alcohol during working hours or the unsafe operation of the CDTHA equipment or vehicles to the Executive Director. No employee will be subject to any disciplinary measures for any action taken by the employee to prevent an unsafe condition from becoming worse or to act in good faith to protect any person or property against immediate danger. Failure to comply with these reporting requirements will subject the employee to disciplinary action.

C. Vehicles / Seatbelts

Any employee driving a CDTHA vehicle must have a valid driver's license. Seatbelts are required when driving/riding in any CDTHA vehicle. Failure to comply will result in disciplinary action.

Section IV Harassment

A. Statement

The CDTHA strives to maintain a workplace that fosters mutual employee respect and promotes productive working relationships. The CDTHA believes that discrimination and/or harassment in any form constitutes misconduct that undermines the integrity of the employment relationship. Therefore, the CDTHA prohibits discrimination and/or harassments that are sexual, racial, or religious in nature or are related to anyone's gender, national origin, age, sexual orientation, or

disability. This policy applies to all employees throughout the organization and all individuals who may have contact with any employee of this organization.

B. Definitions of Harassment

1. Sexual Harassment. Sexual harassment includes sexual propositions, innuendoes, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching, or brushing against another. Unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex constitutes harassment when:

- (a) Submission to the conduct is required as a term or condition of employment or is the bases for employment action, or
- (b) The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive workplace.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships without a discriminatory employment effect. It refers to behavior which is not welcome and which is personally intimidating, hostile or offensive.

2. Harassment on the Basis of Other Characteristics. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age or disability or any other characteristic protected by law, and that:

- (a) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- (b) Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion towards an individual group.

C. Individuals and Conduct Covered Under This Policy

This policy applies to all applicants and employees defined in the Scope Section (Section I) of this manual, and prohibits harassment, discrimination and retaliation whether engaged in by fellow employees, by a supervisor, director, or Board of Commissioner member, Tribal Council member, or by someone not directly connected to the CDTHA. (e.g. an outside vendor, consultant, customer, board member, contractor, volunteer, or tenant).

Conduct prohibited by this policy is unacceptable in the workplace and in any work related setting outside the workplace, such as during CDTHA business trips, meetings or CDTHA social events.

D. Retaliation Prohibited

The CDTHA prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in the investigation of a claim of harassment or discrimination is a serious violation of this policy, and, like harassment or discrimination itself, will be subject to disciplinary action.

E. Complaint Procedure

1. Reporting an Incident of Harassment, Discrimination or Retaliation. The CDTHA recognizes that individuals who believe they are being harassed have the right to assertively confront persons whom they believe are engaging in harassment. At the same time, it is also recognized that issues involving power, status and embarrassment can make such confrontation difficult or unsafe. Every individual affected by harassment has the right to exercise his/her own discretion regarding direct confrontation of a suspected harasser; however, it is imperative that the suspected harassment be reported. Whether or not direct confrontation has occurred and seems to have abated, failure to report a violation of this policy could have serious negative implications for future victims of the same harasser and could affect the individuals' legal rights.

The CDTHA strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to CDTHA's policy or who have concerns about such matters should file their complaints with their immediate supervisor, the Executive Director, or the Finance & Operations Director before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaint with their immediate supervisor first before bringing the matter to the attention of one of the other representatives identified above.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the CDTHA strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The CDTHA will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

2. The Investigation. Any reported allegation of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved, and, where necessary, with individuals who may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of pay increase, demotion, reassignment, temporary suspension without pay or termination, as the CDTHA believes appropriate under the circumstances.

Section V Compensation

A. Compensatory Time / Overtime

Based on the conditions of employment, employees of the CDTHA may be classified as follows:

Non-Exempt. Non-exempt employee responsibilities are, in general, more of a secretarial/technical nature and probably with no supervisory or hiring/termination responsibility. These employees may be entitled to compensatory time (1-1/2 times the hourly wage for actual hours worked over 40 in a work week – this does not include PTO, etc.). In no case, will a non-exempt employee receive overtime pay and compensatory time for the same hours under consideration. Compensatory time must be preapproved by the Executive Director or designee and is managed as an agreement between them. Overtime pay must be preapproved by the Executive Director.

Exempt. Exempt employee duties are such that they are exempt from the overtime provisions found in federal law. Exempt employees are not eligible for overtime pay. As a general rule, this includes employees who are engaged in supervisory, executive or professional type of work. This would include, at the least, to be: Supervisors, Directors, etc. To compensate for an excessive amount of work hours, these employees may be allowed to take compensatory time off. This is an agreement that is managed between the employee and the supervisor, is approved by the supervisor in advance, and is not necessarily documented on timesheets. Compensatory time off may be taken in the same pay period of the excess hours worked and must be taken no later than the following pay period, unless otherwise approved by the Executive Director. There may also be an exception if work circumstances are such that it is not practical to take leave within the preferred time period. Compensatory time off for exempt employees is not expected to be on an hour-for-hour basis. These employees are expected to work a reasonable amount of time in excess of the normal 40-hour workweek because of the nature of their management duties.

Whether exempt or non-exempt, traveling on a weekend, holiday, etc. will not be considered compensatory time when it is the choice of the employee.

B. Merit Increases

Department Directors may, when appropriate, recommend merit increases for employees under their supervision. Merit increases shall be recommended only for those employees who perform their work in an exemplary manner. Merit increases are subject to funding availability and provisions must be made in the annual budgets for anticipated merit increases. The Executive Director will make every effort to plan funding during the budget planning process to allow for anticipated merit increases. All merit increases are subject to approval by the Executive Director.

C. Salary Procedures

It is the responsibility of the Department Director to recommend salaries for employees and submit such recommendation to the Executive Director for approval. The Executive Director must approve placement of new employees within the advertised salary ranges established by a Wage Survey. It is the policy of the CDTHA to compensate all employees commensurate with the prevailing salary levels in the area for like positions. This is intended to ensure that wages are not a disincentive for retention of quality employees.

All salary adjustments (end of probation, equity, etc.) must be approved by the Executive Director and will be processed through the Finance & Operations Office.

Section VI Employee Benefits

A. Disclaimer

This manual contains a very general description of the benefits to which employees may be entitled. This general explanation is not intended to, and does not provide all details of these benefits. This manual does not change or otherwise interpret the terms of the official plan documents. Employee rights and obligations can be determined only by referring to the full text of the official plan documents, which are available for examination in the Finance & Operations Office. To the extent that any of the information contained in this manual is inconsistent with the official benefit plan documents, the provisions of the official benefit plan documents will govern in all cases.

Nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the CDTHA and its employees, retirees or, their dependents, for benefits or any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

The CDTHA reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees or their dependents. Further, the CDTHA reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more information regarding any of the CDTHA's benefit programs, please refer to the plan descriptions available at the Finance & Operations Office.

B. Employee Assistance Program

The CDTHA recognizes that personal problems can adversely affect employee job performance and the CDTHA believes that it is in the best interest of the employee, the employee's family, and the CDTHA to help the employee deal with such problems.

As a result, an Employee Assistance Program (EAP) has been established to provide employees with counseling and guidance for a wide range of behavioral/medical/personal problems, including, but not limited to, drug and alcohol abuse and financial or legal difficulties. The EAP is confidential, professional assessment, referral and short-term counseling service for employees and their family.

C. Life Insurance

The CDTHA provides life insurance to eligible employees per the official plan booklet. Please refer to handbook for specifics.

D. Medical / Dental / Vision Insurance

Employees who work the specified number of hours per week may have their medical/ dental/ vision insurance premiums paid by the employer. The employee may elect to have eligible dependents insured and the CDTHA will pay the premiums. The insurance coverage will begin no later than the first of the month following the date of employment. An employee who declines the coverage is not entitled to receive the premium as compensation. This benefit is provided for regular and qualified part-time employees only. Please refer to the handbook for specifics.

E. Retirement

The CDTHA will cover eligible employees with a retirement program. The CDTHA complies with federal laws regulating retirement plans. Details concerning this employee benefit are available to all employees in a separate document describing the plan. Reports will be provided to employees within two months after the end of each reporting period. This benefit is provided for regular and qualified part-time employees only.

F. Short-Term Disability Insurance

Short-term disability is available to regular employees who have satisfied the probationary period. Short-term disability insurance makes payments to covered employees for time away from work regardless of the cause or place of the disability. (This benefit is provided for regular employees). The employee must exhaust any required waiting period by using any PTO or using Leave Without Pay (LWOP). Under no circumstances can an employee receive disability payments and PTO pay – it's one or the other. Before returning to work following disability leave, the employee must provide permission, in writing, from a licensed health care provider, to return to work. This release must be submitted to their immediate supervisor and the Finance & Operations Office **before** returning to work. Please refer to handbook for specific information.

G. Social Security Coverage

Commonly known as FICA, the Federal Insurance Contribution Act (FICA) imposes taxes on employer and employees. These taxes finance Federal Old Age, Survivors and Disability Insurance, and Medicare. This benefit is provided for all employees.

H. Unemployment Insurance

The employer pays unemployment insurance taxes only. These finance payments of unemployment insurance benefits. This insurance is voluntarily provided by the CDTHA through the State of Idaho's unemployment system. This benefit is provided for all employees.

I. Worker's Compensation

The CDTHA provides worker's compensation insurance for injuries that occur from accidents on the job. Under the CDTHA's official plan, the insurance pays allowable doctor and hospital costs and compensates employees unable to return to work because of occupational injury or illness. Under some circumstances, this insurance may cover part or all of the cost of re-training an employee who will not be able to return to the same kind of work because of injuries suffered. An individual may **not** use PTO in addition to receiving Worker's Compensation payments. This benefit is provided for all employees and is managed by the Risk Management Office.

Section VII Leaves of Absence

A. Administrative Leave

Administrative leave may be granted at the discretion of the Executive Director when weather conditions indicate that offices should be closed or in order to recognize the death and/or funeral of a Tribal leader or other person who has contributed significantly to the CDTHA, or under other circumstances deemed warranted by the Executive Director. Department Directors may recommend that an employee be granted administrative leave under unusual circumstances. Such recommendations must be approved by the Executive Director and then forwarded to the Executive Director for final approval.

Administrative Leave is not an accrued leave; it is a privilege granted to employees by the CDTHA's Executive Director or at the request of the CDTHA Board of Commissioners or Tribal Council. In the event that an employee has already submitted a request for PTO (i.e., the employee has made a conscious decision to be gone) and then Administrative Leave is announced during the time that the employee is gone, the employee cannot change the PTO request to Administrative Leave.

B. Paid Time Off (PTO)

- **PTO (Paid Time Off)** is designed to offer employees more flexibility in planning time off to meet family needs and balance work and family life, to reward employees that do not use sick time, and provide greater ownership of time away from work. Employees will be able to use time in their PTO bank in any way they choose – sick, vacation, doctor appointments, sick family members, eye exams, take the dog to the vet, children's school concerts, etc.
- **PTO Accrual:**
 - ➔ During year #1 of service, employee earns 4 hours/pay period.
 - ➔ Years 2 and 3, employee earns 8 hours/pay period.
 - ➔ Years 4 through 10, employee earns 10 hours/pay period.
 - ➔ Beginning with year 11, employee earns 12 hours/pay period.
 - ➔ An employee can use PTO hours during the probationary period once he/she has accrued 40 hours; however, the employee must keep a balance of 40 hours in the PTO account. Emergencies will be handled on a case-by-case basis by the Executive Director, but it will not be treated as paid leave during the probationary period.
 - ➔ The maximum accrual is 280 hours.
 - ➔ An employee may request up to a maximum of 80 hours of "PTO Payout" by completing a request form, signed by the Executive Director or designee, and submitting to the Finance & Operations Office. There is no limit as to the number of times a request can be processed during the year. The employee

must have at least 40 hours remaining in his/her PTO bank after the PTO Payout is calculated.

Example: An employee has 60 accrued PTO hours. The maximum they can cash out is 20 hours because that's all that is available.

Example: If an employee has fewer than 40 accrued PTO hours, they cannot cash out any.

- **PTO Payout Processing**

- ➔ If you would like your PTO payout on a regularly scheduled paycheck, then complete the revised timesheet (attached). By doing it this way, it can cause additional taxes to be deducted because of a higher tax bracket.
- ➔ If you do NOT want it calculated in with a regularly scheduled paycheck, which may eliminate the additional taxes, then complete the form titled "PTO Cash Payout," (attached). In this case, it will include only necessary taxes; however, it will not include such items as 401K deductions, etc.
- ➔ Under no circumstances will there be a time when **no** taxes are deducted. PTO payout is considered income; therefore it is subject to tax.

- **PTO Transfers**

- ➔ **Transferring of years of service and/or PTO rate from another entity to the CDTHA will not be considered by the CDTHA.**

- **Miscellaneous**

- ➔ All PTO hours must have prior approval of the Executive Director or designee. Emergencies will be handled on a case-by-case basis with the Executive Director or designee. Some kind of documentation may be required for special circumstances. To prevent last-minute (day of absence) illness call-ins on a regular basis, it still stands that any last-minute call-ins (same day of absence) may require a doctor's note after four (4) consecutive days of last minute call-in (day of absence).
- ➔ Employees must call in by 9:00 am unless otherwise instructed by the Executive Director or designee.

C. Disability Leave – Work Related

During absence due to a work-related disability, which is covered by Worker's Compensation, the employee's medical/dental benefits will continue. PTO may be taken prior to commencement of insurance benefits being paid. If the disability occurs during probationary period, the period of absence will not be included as part of the probationary period (the probationary period will be extended). Before returning to work following disability leave, the employee must provide permission, in writing, from a licensed health care provider to return to work. This release must

be submitted to the Executive Director or designee and the Finance & Operations Office **before** that employee returns to work.

D. Educational Leave of Absence (ELOA)

The CDTHA benefits from an educated and skilled workforce. Employees wishing to continue their education may request the following educational leaves:

With Pay: Regular employees who have worked for the CDTHA for greater than twelve (12) months may be allowed time off with pay to attend classes that advance either their current position with the CDTHA or their career goals within the CDTHA. Paid time off will not exceed four hours per week and must be approved by the Executive Director. Approvals are based upon job performance and ability to cover job responsibilities and workloads. The Executive Director or designee may disallow an employee's request based on the employee's job performance. Requests must accompany a signed commitment to ensure the CDTHA will benefit from the educational leave, either in job, service, or other direct benefit and will be considered on a case-by-case basis by the Executive Director or designee. If an employee's class schedule requires more than four (4) hours per week, the regular employee may use PTO subject to the approval of the Executive Director.

Without Pay: Regular employees who have worked for the CDTHA greater than five (5) years may request extended leave without pay for up to two (2) years to complete an educational program. This may be necessary when an employee wishes to be a full-time student and complete their educational program in a shorter period of time. An unpaid leave of absence for educational purposes guarantees that the employee can return to their current position level when they have completed their educational program. Again, these requests must be approved by the Executive Director or designee, based upon job performance and the undue hardship it may cause the program's ability to cover the position during the absence. The employee will need to make personal arrangements for medical/dental/vision insurance as the respective program will not be required to continue to pay monthly premiums. PTO remains intact; however, will not continue to accrue during the leave of absence. Each request will be considered on a case-by-case basis and must have prior approval of the Executive Director.

Upon completion of any such training, the employee will submit to the Executive Director or designee and Finance & Operations Office documents that demonstrate completion of said training (e.g., diploma, certificate of completion, grade report, etc.).

Time off for education is not a right, but a privilege granted to individual employees on a case-by-case basis consistent with the guidelines outlined in this section. As such, it may be revoked at any time by the Executive Director.

Benefits will not accrue during the educational leave period nor will time be credited towards years of service.

E. Family Medical Leave

The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is the twelve (12) months beginning on the employee's anniversary date of employment and 1,250 hours of continuous employment. During this leave, an eligible employee

is entitled to continued health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or equivalent position.

For more information regarding eligibility criteria, limitations, requests for leave and required documentation, please contact the Finance & Operations Office.

F. Funeral Leave

Employees may receive leave with pay to attend funerals. In addition, the Executive Director or the Tribal Council may proclaim offices closed for funerals or it may designate an employee to represent the CDTHA at a funeral. An employee may be granted leave with pay of up to three (3) days per occasion to bereave the death of a member of the immediate family.

The immediate family is defined as: spouse, child, grandchild, parent, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, cousin, or other person who, by tradition or necessity, would normally be cared for by the employee. Employees must submit a Leave Request Form for requests of funeral leave. (Due to certain requirements, the term “immediate family” may be defined differently in another policy – be sure to check each specific policy where it exists.)

In the event of a Tribal government employee’s death or the death of any Tribal member, employees may be allowed four (4) hours leave to attend the services. Employees who assist with the cooking may be given up to three (3) days funeral leave at the discretion of the Executive Director or designee. Additional paid time off to attend funerals of Tribal members (who are not considered to be immediate family) may be taken using PTO Leave and must have prior approval of the Executive Director or designee.

The CDTHA encourages both the appropriate attendance at funerals and the completion of work tasks. Requests to attend funerals will normally be approved. The employee is still expected to complete job-related tasks in a timely manner.

The funeral leave policy applies during normal office hours. Any employee who attends a funeral or is involved with food preparation, assisting with funeral or wake arrangements, etc., outside of normal working hours does so on his/her own time and is not compensated with additional time off.

G. Holiday Leave

The Coeur d’Alene Tribe regularly observes the following legal holidays:

New Year’s Day
Martin Luther King Day (third Monday in January)
President’s Day (third Monday in February)
Good Friday (1/2 day)
Easter Monday
Memorial Day (last Monday in May)
Independence Day
Labor Day (first Monday in September)
National American Indian Day (fourth Friday in September)

Water Potato Day (fourth Friday in October)
Veterans' Day
Thanksgiving Day and the next day (Friday)
Christmas Eve Day and Christmas Day

The Tribal Council will designate CDTHA holidays. Designation of such holidays will be posted and communicated to all employees prior to the beginning of each calendar year.

All regular full-time employees will be eligible for holiday pay. Regular part-time employees will receive prorated holiday pay. Temporary employees will not receive holiday pay. Holiday pay for temporary construction/maintenance crew will be determined by the Executive Director.

Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the following Monday.

Holidays that occur during PTO leave will not be charged against such leave.

An employee who takes unauthorized leave without pay the day before or the day after a holiday will not be paid for that holiday. Anyone on leave without pay will not be paid for the holiday.

H. Jury Duty Leave

The CDTHA believes it is the civic duty of its employees to accept jury duty service when called.

1. The employee is required to present to the Executive Director or designee subpoena or other document, which gives instructions to report for jury duty.
2. The employee shall report for jury duty each day as instructed by the court. At times the employee may be released from jury service during normal working hours; when this is the case, the employee shall be required to be at work, when practical.
3. Any reimbursement amounts which an employee receives for jury service is not considered compensation and will be retained by the employee.
4. An attendance slip must be obtained from the court verifying actual dates of service and submitted to Executive Director or designee.
5. The CDTHA may require returning service personnel to provide proof of discharge papers to the Executive Director.

Note: If the employee fails to report for duty at the work place during normal work hours, there shall be no pay forthcoming from the CDTHA for the time the employee failed to work when released from jury obligations for the day. This should be viewed pragmatically. If transit from the court location to the work site is such that very little time would remain for working, the employee shall be excused. As a rule of thumb, at least two (2) hours should be available for actual work.

I. Leave Without Pay

The Executive Director may grant employees leave without pay for a specified period. Arrangements for returning persons who have been granted leave without pay (LWOP) will be made at the time the leave is granted. PTO will not be accrued when an employee is on LWOP. Requests for LWOP shall be made with the Executive Director or designees. Any request for LWOP must have prior Executive Director approval along with instructions regarding medical insurance. Availability of benefits for LWOP that exceeds one (1) consecutive month (four weeks) will be determined by the Executive Director on a case by case basis.

J. Military Leave

Encampment (2 weeks).

Policy. If an employee participates in a mandatory annual encampment or maneuvers of the Armed Forces Reserve or National Guard duty (encampment), the CDTHA will make up the difference between the service pay (less any allowances) and the employee's regular pay during the period of leave for up to two weeks. For mandatory military duty extending longer than two weeks, additional leave will be granted, but without the CDTHA making up any difference in pay. While encampment is normally in addition to regular PTO leave, the employee may elect to take the period of encampment as paid PTO leave. In that case, the employee would receive military pay and full PTO leave pay.

Procedure. An employee on encampment who is not using vacation time should notify the Executive Director as early as possible and immediately after orders are received of the scheduled time of encampment and furnish the Finance & Operations Office with a copy of his/her active duty orders. After encampment, the CDTHA requires a copy of the military pay voucher be provided to the Finance & Operations Office.

Benefits. An employee's benefit plan coverage will continue during encampment on the same basis as if the employee were actually at work.

Full-Time Active Duty (other than encampment).

Procedure: Employees called into active military service are required to submit a copy of his/her military orders to the Executive Director, if applicable, as early as possible. All eligible employees called into full-time, active military duty will receive with their final paycheck, pay in lieu of earned but unused PTO leave.

Benefits. All benefit plan coverage will cease at the end of the month of last day worked, with the exception of optional continuation coverage under the CDTHA's medical plan, which an eligible employee has elected at his/her own cost pursuant to COBRA.

Reinstatement. An employee returning from full-time active military duty will be eligible for re-employment under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), provided the employee meets the requirements of USERRA. The CDTHA will use its best efforts to reinstate the veteran to his or her former job or in a position of at least equal status and pay, provided the employee makes application within the required period under USERRA. Generally, this means that:

- If the period of military service is less than 31 days duration, you must report to work no later than the first calendar day (that is a business day) after completion of the military service (including a reasonable period to return to your home) plus 8 hours.
- If the period of military service is more than 30 days but less than 181 days, you must apply for re-employment no later than 14 days after completion of the period of service.
- If the period of military service is more than 180 days, you must apply for re-employment within 90 days after completion of the period of service.

Seniority. Returning service personnel are to be regarded as having been on a leave of absence or furlough during their period of military service. Upon return, they are eligible for like seniority, status, and pay. Specifically this means that returning service personnel will count their period of military service as part of their total seniority within the company for such benefits as pension eligibility and long-service vacation. Similarly, across-the-board increases, improvements in insurance or other benefits, and all the other rights or benefits that would probably have been derived from continued employment must be given to them on the same terms as they had been working for the CDTHA during the military service period (38USC 4316(a)).

The CDTHA may require returning service personnel to provide proof of discharge papers to the Finance & Operations Office.

Upon returning to work following full-time active military duty, the returning service personnel must present a copy of Military Form DD214 to the CDTHA's Finance & Operations Office.

Veterans reinstated in accordance with this policy will retain their original date of employment for purposes of service credit under the CDTHA's benefit plans as required by USERRA.

All questions concerning the reemployment rights of veterans should be referred to the Finance & Operations Office.

More information may be obtained from the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, which is enforced by the Department of Labor (DOL).

K. Voluntary Boards/Committee Leave

The CDTHA will follow the CDT Policy regarding leave for Voluntary Boards and Committee Members.

Per Resolution 19(99) which was never officially put in the Policies & Procedures Manual . .

.

The first and foremost priority must be given to the position for which we were hired and those responsibilities for which we are accountable.

Administrative Leave may be granted to current regular employees within the following guidelines of attendance at Tribal committee or board meetings. An employee may be granted four (4) hours of Administrative Leave to attend regular board or committee meetings once a month only; special meetings will be on case-by-case basis. Travel for boards or committee members outside of their regular CDTHA employment shall be limited to five (5) business days per year. All attendance at board meetings or travel shall be contingent upon prior notification and/or approval and upon the CDTHA departmental needs as determined by the Executive Director or designee. Any dual payments made to board members by the committee or organization shall be turned over to the Coeur d'Alene Tribal Housing Authority's Finance Office. No dual payments shall be authorized by departments of the Coeur d'Alene Tribal Housing Authority (i.e., if a CDTHA employee receives a stipend for board related duties, the members

shall either accept the stipend and take leave without pay or PTO leave for those hours, or shall return the stipends and other payments and/or be allowed to take Administrative Leave subject to approval of the Executive Director.

L. Voting

The CDTHA encourages all employees to participate in the election process. Employees are normally expected to vote before or after working hours. If an employee cannot vote before work and get to work on time, or cannot get to his/her voting place after leaving work at the normal end of the business day, the Executive Director or designee may authorize a late arrival or early departure of up to one hour. This time will be reported as normal hours worked.

Section VIII Payroll

A. Cash Advances

Generally, the CDTHA does not make payroll advances to employees. However, we all understand that emergencies may occur which creates a pressing need for funds. As an example, a sudden illness, accident, or death can create a need for immediate funds. Under such or similar circumstances, employees may make a request which requires approval of the Executive Director or designee. Advances cannot exceed an amount equal to seventy-five percent (75%) of gross pay for the hours accumulated in the current pay period and will be deducted in full from the next payroll check. All requests for cash advances will be reviewed on an individual basis and limited to two (2) requests per fiscal year.

B. Employee Classifications

Based on conditions of employment, employees of the CDTHA fall into the categories described in Table 1.

Intentionally left blank for Employee Classifications Maintenance and Construction Classifications To be Entered in Maintenance & Construction Personnel Policy

C. Payroll

The Finance & Operations Department is responsible for the preparation of the CDTHA's payroll. Payroll checks will not be issued without a time sheet, which includes the signature of the employee, approved by his/her supervisor. Paydays, at the latest, are every other Friday. Payroll checks may be released earlier to accommodate special circumstances, i.e. holidays which

fall on Friday, or as determined by the Executive Director. (Please refer to the payroll schedule distributed by the Finance & Operations Office on an annual basis.)

Paychecks will be delivered to employees by the department designee. No paychecks will be delivered to any person other than the employee except upon the written request of the employee and its clients.

TABLE 1: EMPLOYEE CLASSIFICATION

	Medical/ Dental	Holidays	PTO	Admin Leave / Funeral / Serious Illness	Grievance Process
<u>Regular Full-Time</u> (40 hrs/week)	Yes	Yes*	Yes	<u>Admin Leave:</u> Yes, if working the day Admin Leave is granted (i.e., get to work and then Admin Leave is granted because of possible snowstorm). <u>Funeral Leave:</u> Yes.	Yes Except for RIF
<u>Regular Part-Time</u> (works a set # of hrs per week [less than 40], every week)	Must work a min of 24 hrs/week	Pro-rated*	Pro-rated	<u>Admin Leave:</u> Yes, if working the day Admin Leave is granted (i.e., get to work and then Admin Leave is granted because of possible snowstorm). <u>Funeral Leave:</u> Pro-rated.	Yes Except for RIF
<u>On-Call / Temporary</u> (A day here, a week there, a couple of days the next week; or an employee who works at the same place on a routine, but hours are irregular. Ex: fill-in bus driver, kitchen helper, house parent)	No	No	No	<u>Admin Leave (Pro-rated):</u> Yes, if working the day Admin Leave is granted (i.e., get to work and then Admin Leave is granted because of possible snowstorm). <u>Funeral Leave:</u> No.	No
<u>Volunteers</u>	No	No	No	No	No

* Must work the regularly scheduled day before and after the holiday. Someone on LWOP the day before or after the holiday would not entitle them to holiday pay.

*Fire Crew Employees and Others: Fire Crew employees and certain other employees working under specific contracts between CDTHA and Federal or State agencies may be provided certain benefits such as PTO and overtime pay, in exception to the policies governing other employees. For these employees, the terms of the contract supersede the personnel policies of CDTHA.

D. Time Sheets

Time sheets cover a two-week period ending on Friday before the next Friday payday and are due in the Finance & Operations Office by 4:00 p.m. on the Friday before the next payday. Total hours will be reported for each day worked, not to exceed forty (40) hours per week, unless overtime or compensatory time has been authorized and such authorization must be attached to the time sheet.

Section IX Employment

A. Confidential Information

Disclosure of confidential information will result in disciplinary action, up to and including termination. Employees may not disclose privileged information about personnel actions, property acquisitions, CDTHA's financial transactions, or policy actions prior to approval by the CDTHA's Executive Director or the CDTHA's Board of Commissioners. The CDTHA has responsibility to prohibit the disclosure of confidential information about the CDTHA and it also needs to protect the information it receives about employees and its clients.

B. Demotions

An employee may be demoted to an unfilled position in a lower level for which he/she is qualified under the following circumstances:

- If he/she would otherwise be laid off because his/her position is being eliminated, there is a lack of funds, or there is a lack of work; or,
- If he/she does not perform at the level of expectation in the position he/she currently holds; or,
- If he/she voluntarily requests it; or,
- If he/she completes an application for the position and proceeds in accordance with the standard application procedures; or,
- Any other situation which the CDTHA deems necessary.
- Salary and benefits may be reduced to the appropriate pay for the lower level position.

C. Employment of Relatives

The CDTHA policy prohibits employees from working under the direct supervision of relatives. The following guidelines apply:

- No person will hold a job which requires direct supervision of or by an immediate family member (father, son, mother, daughter, husband, wife, brother, sister, or another person who resides in the same household).

D. Establishment of New Positions

The Executive Director approves the establishment of all new positions. For all proposed new positions, Department Directors may submit the following to the Executive Director to initiate the process.

- Job Description
- Justification for the new position
- Funding resources available
- Duration of work

Upon approval, the Department Director will be notified to proceed.

E. Hiring/Staffing of New Employees

1. **Job Description.** A job description will be prepared for the position if one does not currently exist. If a job description does exist, it will be reviewed and updated as appropriate. The updated job description, or new job description, will be reviewed and approved by the Finance & Operations Director and/or Executive Director (if appropriate). The job description will contain the following to the greatest extent feasible:

- Position Title
- Title of immediate supervisor
- Titles of positions supervised
- Compensation range
- Summary of job duties and responsibilities
- Minimum qualifications required in order to be considered in respect to experience, knowledge, skills, abilities, education, resumes, references, etc.

2. **Announcement of Job Opening.** All open positions (excluding movement within the department) will normally be advertised in-house for a minimum of five (5) days in the CDTHA Job Announcement List. In-house candidates will be reviewed and considered prior to advertising outside. See Indian Preference.

3. **Full Faith and Effort.** Under normal circumstances, a minimum of three (3) applications, those which are best qualified, are required for competition for the advertised position. However, if after a thorough effort in advertising and screening and for circumstances beyond the CDTHA's control, the result produces less than three (3) finalists for the position, the CDTHA can decide to re-advertise the position or select from the remaining finalists to make its decision for hire.

F. Applicant Interview

All applicants will submit, at a minimum, an application, resume, and work references. Prior to the interview, a list of questions will be developed to be asked of each applicant. A record of each applicant's response to each "standard" question will be maintained. Other questions may be asked as long as the questions do not possibly give the appearance of violating anti-discrimination laws. Questions regarding age, marital status, family status, etc. are not to be asked under any circumstances. Questions must be reviewed and approved by the Executive Director prior to the actual interview.

G. Minimum Qualifications.

The following will be considered in determining whether an applicant meets minimum job qualifications: (1) applicant's written and oral response to each listed job requirements; (2) extent to which the applicant's listed experience and abilities are related to the job opening and are verifiable; (3) applicant's work record, with particular emphasis on stability, dependability, and potential for growth; and (4) applicant's general conduct during the interview, with principle emphasis on the applicant's ability to work with CDTHA staff and clients, the Indian community, Coeur d'Alene Tribal employees, and other agencies.

H. Hours of Work

Normal daily operations begin at 8:00 a.m. and end at 4:30 p.m. with one-half (1/2) hour for lunch. In addition, there will be an authorized 15-minute break within every 4-hour period of work. The CDTHA office **must** be occupied during normal working hours.

The Construction/Maintenance Department's normal daily operations begin at 7:30 a.m. and end at 4:00 p.m. with one-half (1/2) hour for lunch. Breaks are authorized by the Construction/Maintenance Director.

Flex Time. The CDTHA may allow the use of flex time to accommodate the alternative schedules of employees who need to work in the evening or the weekend in order to provide services. A flex schedule may be considered for some employees due to special circumstances subject to the Executive Director's approval. Any flex schedule approved by the Executive Director will take into consideration the duties of the job, the overall availability of staff, and the need for consistent beginning and ending times each work day. No non-exempt employee will be permitted to work before 7:30 a.m. or after 5:00 p.m.

I. Inclement Weather

While we generally enjoy excellent weather, there are occasions when there can be the potential for snow and/or ice storms. If the Executive Director closes the offices, then time away will be recorded as Administrative Leave. If the Executive Director does not close the office and transportation is difficult, work time arrangements must be approved by the employee's supervisor.

J. Indian Preference

It is the policy and intent of the CDTHA, to the extent consistent with funding source regulations and the best interest of the CDTHA, to provide preference in recruitment, employment, promotions and training opportunities in the following manner:

First Preference shall be accorded to enrolled members of a federally recognized tribe, **with first preference given to enrolled members of the Coeur d'Alene Tribe, who meet the job qualifications for the position and in accordance with Section 3(e) Requirements.**

Second Preference shall be accorded to all other individuals **who meet the job qualifications for the position and in accordance with Section 3 (e) Requirements.**

In all of the instances above, preference may be denied due to past performance issues/behaviors, comments by references, past poor performance evaluations, and/or a previous felony associated with dishonesty within the past five (5) years.

K. Probationary Period

New Hires

The probationary period for all newly hired employees is 180 days (six months). Newly hired individuals will continue employment during the probationary period provided performance on the job is satisfactory. If the employee is not satisfactorily progressing during this period, then the supervisor will counsel the employee. If unsatisfactory performance continues and no improvement is realized, the person's employment will be terminated prior to the end of the probationary period without following the progressive disciplinary process. The supervisor may choose to extend the probationary period for an additional three (3) months, subject to approval by the Executive Director, if it is felt that the new employee has not progressed satisfactorily but may prove to be capable with additional training. If the probationary period is extended, the supervisor should clearly communicate it in writing to the employee that it has been extended and why. Absence of a performance evaluation upon completion of probationary period does not imply automatic change to regular full-time status. Successful completion of the probationary period does not alter the at-will employment relationship.

During this probationary period the individual may use PTO once they have accrued 40 hours. They cannot go below the 40 hours during this time. Individuals who have been with the CDTHA in a different position for at least six (6) months and have successfully completed the probationary period, and then accepts a new position within the CDTHA, may use PTO without waiting six (6) months, subject to the approval of the immediate supervisor and the Executive Director.

Travel during the probationary period will be limited and must have prior approval of the Executive Director or designee.

Promotions and Transfers

The newly promoted or transferred employee's performance must be monitored very closely during the first six (6) months on the new job. If the employee is not satisfactorily progressing

during this period, the supervisor will counsel the employee. If this unsatisfactory performance continues and no improvement is realized, an effort will be made to transfer the employee to a more appropriate position based on employee qualifications and openings available at the time. If there is no position at the time that the individual qualifies for, then termination will occur. In the case of promotions/transfers where the CDTHA has already employed an individual for at least six (6) months, PTO leave may be taken during this particular probationary period subject to the approval of the Executive Director.

Former Employees

All rehired individuals (no matter how long the separation) will be treated as new employees and are subject to the six-month probationary period.

L. Promotions

It is the desire of CDTHA to encourage and support the promotion and upgrading of employees. Whenever practical, consideration shall be given to CDTHA employees who meet the minimum qualifications when recruiting and staffing for job vacancies before consideration of other applicants. All promotions must be accompanied by an approved job description.

Promotions shall be merit-based. In considering an employee for promotion, management shall take into account, among others, the following factors:

- Employees past job performance
- Any relevant education and/or training the employee has received (either before or during employment)
- Indian Preference Policy
- Any applicable program regulations

M. Reclassification of Positions

The Executive Director shall ensure that position descriptions are consistent with duties and responsibilities actually being performed by employees. Changes in positions should be reviewed to ensure that the level of compensation is appropriate. Additionally, the Executive Director shall compare compensation levels with those prevailing in the area not less than every three years, to ensure that compensation levels remain consistent with like positions in the area, for all CDTHA positions. When appropriate, the supervisor will recommend reclassification of employees to the Executive Director for final approval.

N. Receipt of Favors and Gifts

Employees may not accept personal favors, gifts, or other forms of compensation from vendors or contractors who have, or propose to have, business dealings with the CDTHA. This section is not intended to prohibit CDTHA employees from accepting promotional items from vendors or prospective vendors or other entities. The value of such promotional items must not be in excess of \$15.00. Such promotional items may include calendars, pens or pencils, scratch pads or note pads, etc. In general, an item will be considered promotional if it bears the name, address and

phone number of the company using the item as a promotional “gift.” Occasional business meals are not considered to be favors or gifts and are not prohibited.

O. Reduction in Force (RIF)

Terminations may occur as a result of a reduction of work and consequent reduction of staff, a reduction of budget, or the completion of a program. Employees who are to be terminated for such reasons shall be given written notification at least thirty (30) days prior to their termination date provided that funding agency notification of reduction of funds is received within 30 days. The Department Director must consult with the Executive Director before any action is taken. Employees who lose their job due to a RIF will be given preference during the “outside” phase of the advertising process, after Indian and Section 3 preferences are given, and providing they meet minimum qualifications as outlined in the job description. The preference will be given for the next three (3) months following the date of the RIF. Acceptance of a job (temporary, on-call, etc.) or the turndown of a job offered by the CDTHA during the three months will negate the preference given. There is no grievance process for employees who have been terminated due to a reduction in force.

P. Rehire

If the CDTHA rehires an employee within two (2) years then his/her prior years of service can be counted toward calculation of PTO (excluding the gap in service time).

In cases of an employee’s reemployment after two (2) years, the individual starts over accruing PTO (years of service have no bearing).

Q. Resignations

Employees are requested to give at least two (2) weeks notice of resignation. Resignation letters shall be submitted to, and accepted by, the individual with discharge authority in the employee’s direct chain of command. Final payment procedures will be followed per the CDTHA’s Finance & Operations policies.

R. Transfers

The Executive Director has the authority to approve a transfer of an employee from a position in one CDTHA department or program to a position in another CDTHA operation or program. To be eligible for a transfer from one position to another, employees must meet the minimum qualifications for the position for which the transfer is proposed. All transfers must be accompanied by an approved job description and be acceptable to the appropriate parties – Department Director(s), and the employee. The Finance & Operations Office is available to help facilitate the transfer.

S. Travel

Travel during the probationary period will be limited and must be recommended by the Department Director for approval by the Executive Director. In the case of Department Directors, approval to travel must be granted by the Executive Director. Travel on a weekend, holiday, etc. will not be considered compensatory time unless there is no choice for an alternative travel time.

Section X Work Standards

A. Absence from Work

Employees are required to notify their supervisor no later than 9:00 a.m. on the first day they will be absent. Failure to report within the required time may result in Leave Without Pay (LWOP).

Any employee who does not call in and speak with the appropriate supervisor for three (3) consecutive days will be considered AWOL and be terminated immediately.

B. Confidential Information

Employees may not disclose privileged information about personnel actions, property acquisitions, CDTHA's financial transactions, or policy actions prior to the CDTHA's Board of Commissioners approval without authorization by the Executive Director. The CDTHA has the responsibility to prohibit the disclosure of confidential information about the CDTHA and it also needs to protect the information it receives about employees and its clients.

CDTHA employees should recognize that other programs, beside CDTHA programs, including the Coeur d'Alene Tribal Family Healing Center, Indian Child Welfare, Youth Shelter, Food Distribution, Older American's Program, Stop Violence Program, and TANF have additional requirements and policies governing the confidentiality of patient or client records. These also include the status of clinical and management staff as mandated reporters in the instance of suspected child abuse and neglect. No employee of the Social Services Programs is to release information about any current, past or potential client of the programs including whether they are or are not currently receiving services except:

- in instances that an appropriate release of information has been completed; or
- a situation that is governed by Tribal policy, Indian Child Welfare Regulations, HIPPA and/or the Federal Confidentiality Rule CFR 42 Part II which is specific to patient alcohol and drug abuse treatment records.

Likewise, CDTHA employees have access to client information as a result of their "need to know" status. However, the release of client information requires the following:

- completion of an appropriate release of information;
- a situation that is governed by a court order;
- a situation in which the client has publically made a claim that requires a response from the CDTHA;
- a situation in which the client has appealed a decision..

Disclosure of confidential information will result in disciplinary action, up to, and possibly including termination.

C. Dress Code

The importance of first impressions among the visiting public dictate a minimum standard of dress to be maintained while working for the CDTHA during normal business hours. Employees are expected to dress appropriately for the work they are actually performing on a day-to-day basis and in accordance with the expectations with whom they expect to come in contact. Supervisors are expected to advise subordinates regarding appropriate attire when necessary and may direct employees to change to appropriate dress. Any lewd or offensive language on clothes will not be allowed. If in doubt – do not wear it. Employees must wear protective or other special clothing when required to ensure protection from hazardous materials or hazardous working conditions.

D. Off-Duty Behavior

Ordinarily the CDTHA does not intervene in the private lives of its employees. However, employees of the CDTHA should refrain from engaging in off-duty conduct that could tarnish the image and credibility of the CDTHA, its programs, and its employees. The CDTHA may take disciplinary action, up to and including termination, against employees who engage in off-duty behavior that impairs the employee's performance or otherwise has a negative impact on the CDTHA, its programs, and its employees.

Section XI Other Personnel Actions

A. Alcohol Consumption

Statement

Employees shall not report to work, or return to work, under the influence of alcohol. This will result in discipline, up to and including termination. Employees in positions which require close personal contact with persons served by the CDTHA shall not report to work, or return to work, with the odor of alcohol on their breath or display other physical or psychological symptoms of someone under the influence of alcohol regardless of whether the employee is intoxicated or unable to perform his or her duties.

Possession of alcohol in any CDTHA building is prohibited without prior approval of the Executive Director or his/her designee, unless unopened bottles of alcohol are received as a gift, or in transit to another location, in which case it must be removed from the premises no later than the end of the business day. Use or unauthorized possession of alcohol in CDTHA buildings, without obtaining prior approval, may result in discipline up to and including termination.

B. Corrective Action

Statement.

While the CDTHA generally adheres to Corrective Action, it is not bound or obligated to do so. As at-will employees, the CDTHA may terminate the employment relationship at any time, for any reason, without notice.

Any employee whose conduct, actions or performance violates or conflicts with the CDTHA's policies may be terminated immediately and without warning.

When it becomes necessary to address an employee's actions in the work place, general guidelines of acceptable business conduct will govern. Depending upon the nature and seriousness of the employee's actions, corrective action may begin at any step of the Corrective Action Process. The purpose of the process is to ensure that employees are informed of exactly what behavior needs to be corrected, the measures the employee must take to correct unacceptable behavior, and give the employee adequate opportunity to correct the situation.

Steps

Step #1: First Written Notice

The employee's immediate supervisor will meet with the employee and inform him/her of the specific unacceptable behavior. The supervisor will clearly identify the behavior and set a time by which the situation must be rectified. A written record of this conversation, using the Record of Corrective Action form, must be forwarded to the Finance & Operations Office to be placed in the employee's personnel file. It is recommended that the employee sign, but it is not absolutely necessary.

Step #2: Second Written Notice

Follow the same procedure as Step #1, using the Record of Corrective Action form, but in addition, the employee must sign the written record indicating he/she has read the document. The employee may wish to write his/her own comments on the notice or attach comments to that document.

Step #3: Final Written Notice

Follow the same procedure as Step #2 using the Record of Corrective Action form. The Final Written Notice must specify to the employee that the consequences of failing to remedy the behavior will be termination of employment.

Step #4: Termination

An employee who does not correct his/her behavior after three (3) written warnings will be terminated if the behavior continues. If six months has elapsed since the employee received a corrective action notice, the Corrective Action Process begins at Step #1 (First Written Notice). In cases involving more serious problems or violations of the CDTHA policy, the process may be accelerated up to and including immediate termination. All documentation may be considered to establish an overall conduct record. **Any proposed acceleration of the Corrective Action Process must first be reviewed by the Executive Director or Designee before it takes place.**

In cases where the supervisor feels an employee should be terminated immediately, the supervisor should:

- 1) Inform the Executive Director or designee of the circumstances with a recommendation for termination and a planned course of action to terminate;
- 2) Subject to item 1 above, the supervisor may advise the employee that he/she is immediately suspended without pay;

- 3) Request the employee immediately leave the premises;
- 4) Meet with the employee to advise him/her of their employment status and the course of action approved by the Executive Director.

Suspension may take place at any time during the Corrective Action Process. A supervisor may, with the approval of the Executive Director or designee, place an individual on suspension without pay for no longer than five (5) consecutive working days. Employees may be placed on suspension for longer periods when they commit serious acts, but not so severe as to warrant immediate termination. Discretion should be used in applying suspension as a management tool.

Any discharge must be discussed with the Department Director AND approved by the Executive Director.

C. Grievance Process

It is the policy of the CDTHA that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a grievance process. The grievance procedure set forth in this section does not apply to corrective action decisions or termination. The CDTHA will attempt to resolve promptly all grievances that are appropriate for handling under this policy. Only an employee who has successfully completed his/her probationary period, and is considered regular full-time or regular part-time, has recourse to the process set out below. Those employees who are considered temporary, seasonal, TERO, and volunteers do not have access to the grievance process.

An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy or decision by management, supervisors, or other employees. Examples of matters that may be considered appropriate grievances under this policy include:

- A belief that the CDTHA policies, rules, regulations, or procedures have been applied inconsistently;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), or intimidation;
- Alleged discrimination because of race, color, sex, religion, national origin, marital status, or disability; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, or salary.

Informal Resolution: Employees are expected to make every effort to resolve job-related difficulties and problems with their immediate supervisor in a manner as informal as possible. Both the supervisor and the employee shall keep a record of this effort. This record should

contain any written, telephone, electronic, or personal correspondence, and shall include dates and times of such communications as well as their content.

If this step fails to produce a result satisfactory to the employee, the employee may request to meet with the Department Director to review the issue with both the supervisor and employee. The employee must present all the facts and documentation in writing to the Department Director within five (5) working days of the decision made by supervisor. The Department Director has five (5) working days to provide a written decision to the employee and his/her supervisor.

If this step fails to produce a result satisfactory for the employee, the employee may request to meet with the Executive Director. However, the employee may not avail him/herself of this request until he/she has first made a good faith effort to resolve the issue informally, according to the methods set out above. The employee has five (5) working days from the time of the decision made by the Department Director to present all the facts to the Executive Director. The Executive Director has ten (10) working days (excluding travel) to synthesize all the details, to meet with each party individually (if applicable), and make a decision. All decisions by the Executive Director shall be in writing and are final.

No reprisals of any kind will be taken or tolerated against any employee because he or she has filed or advanced a grievance under this policy.

D. Internet and Electronic Mail Policy

Right to Access Information

The electronic mail system (including Internet and Intranet communication, collectively "email") has been installed and maintained by the CDTHA to facilitate business communications. All email messages created, sent or received via the email system and all passwords thereto are the property of the CDTHA exclusively. All electronic messages are company records. The contents of these electronic messages may be accessed, examined, monitored or disclosed by the CDTHA without any notification to or permission from the employee. There is no expectation of privacy within the email system or other area of the electronic communications system of the CDTHA even in the event such message is labeled "confidential" or is password protected. Notwithstanding the CDTHA's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.

Prohibited and Forbidden Content

The email system may not be used for any inappropriate or unlawful purpose. The email system may not be used to create or forward any offensive or disruptive messages. Such messages include, but are not limited to, messages which contain harassing or discriminatory statements, messages containing sexual implications, racial slurs, gender-based comments, or any other comments that offensively address an individual's age, sexual orientation, religious or political beliefs, national origin or disability.

Further, the email system shall not be used to solicit or promote any commercial ventures, religious or political causes, outside organizations, or other non-job-related matters.

The email system shall not be used to send or receive any copyrighted materials, trade secrets, or similar materials without the appropriate prior authorization. In addition, such protected electronic files shall not be copied without the appropriate permission.

Email Retention Guidelines

Email messages are a convenient and temporary method to communicate. The rule of thumb to be followed for email is that any message that needs to be retained for a period of three months or greater should be reduced to a memo. Creating an email “archive” can be a costly use of resources and potentially exposes the CDTHA to liability.

Disciplinary Action

Any employee who violates this policy is subject to discipline up to and including termination.

E. Smoking In the Workplace

It is the policy of the CDTHA to provide a smoke-free environment in the CDTHA buildings and vehicles. Smoking is prohibited except in designated areas. This policy is enacted in an effort to consider the needs and concerns of smokers and non-smokers alike, and to provide a healthy, safe and productive work environment. Employees violating this policy may be subject to disciplinary action up to and including termination.