

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

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PROGRAM OPERATIONS MANUAL

Section A: General Policies

SUMMARY

This manual establishes uniform policies and procedures for all programs operated by the Northwest Portland Area Indian Health Board (Board or NPAIHB). All employees of the Northwest Portland Area Indian Health Board are expected to become thoroughly familiar with, and adhere to its provisions. Nothing in this manual shall be deemed to waive the sovereign immunity of the Board.

Although the manual sets forth standard procedures for management and administration, special circumstances may require temporary exceptions that must be justified in writing by the Executive Director. Permanent exceptions will be subject to approval by the Board. The regulations and requirements of funding agencies may also supersede provisions of the manual. Whenever possible, however, the Board will request waivers of requirements that conflict with the Board's policies and procedures. Individual Board program policies will be developed consistent with this manual.

DELEGATION OF AUTHORITY

In the absence of persons authorized to take certain actions (e.g., signing payroll sheets, etc.), that authority may be delegated by the Executive Director as needed to meet the administrative needs of the Board. If the Executive Director is not available to make such delegation, it shall be made by the Chairman of the Board.

ADDITIONS AND REVISIONS

The Northwest Portland Area Indian Health Board's Executive Director and the Personnel Committee will review this Operations Manual bi-annually or as needed. The Executive Director will recommend the proposed revisions and additions to the Personnel Committee. All such revisions and additions must be approved by a majority of Board members present at a regularly scheduled meeting, a quorum having been established.

The Executive Director has the authority to make grammatical changes, revision, or edits to the Operations Manual that do not substantially affect the meaning or intent of the of the policy.

DISTRIBUTION OF OPERATIONS MANUAL

- 1) Copies of the manual will be given to new members of the Board of Directors.
- 2) Each new employee of the Board will be provided a copy of this manual for his/her use.
- 3) All employees will sign a receipt at the end of their first pay period verifying that they have received and read this Program Operations Manual and will be held accountable to follow the operational procedures.
- 4) Any revisions to the Program Operations Manual will be provided to all employees and documentation that an employee received and read the revisions will be placed in each employee's personnel file.

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SECTION B: ADMINISTRATION, FINANCIAL POLICIES and PROCEDURES

SUPERVISORY CONTROL

Duties of the NPAIHB Executive Director

The Executive Director is directly accountable to the NPAIHB. The Board has delegated to the Executive Director complete management control over employees and operations as specified in this Manual. In the absence of specific authority, the Executive Director shall have authority to take such actions as are in the best interests of the NPAIHB. The Executive Director may consult with the Executive Committee on matters not covered by this manual if the matter is deemed by the Executive Director to require the guidance of the Committee. In most cases, however, the Executive Director is expected to make such decisions.

- 1) Operations Manual responsibilities include:
 - a. Publish amendments as they occur.
 - b. Keep up to date amendments or deletions, Board decisions, legal requirements, or changes in organization.
 - c. Distribution to all NPAIHB members and staff.
- 2) Personnel controls shall include, but not be limited to:
 - a. Develop and maintain job descriptions for all staff.
 - b. Hiring.
- 3) Promotions
- 4) Discipline
- 5) Merit citations and salary increases
- 6) Leave approvals
- 7) Annual Performance Evaluations
- 8) Termination's
- 9) Staff orientation and development
- 10) Establish office procedures and organization.
- 11) Develop, refine, and plan program management systems.
- 12) Promote and develop active community participation in the operation of health care systems within tribal communities.
- 13) Act as liaison between the Board and Indian Health Service and state and federal agencies.
- 14) Develop and maintain lines of communication between the NPAIHB and the Service Unit Health Boards, National Indian Health Board, the Portland Area Indian Health Service, Northwest Tribes, and other Indian organizations relative to matters of health.
- 15) As directed by the Board, develop and submit proposals for the funding and growth of Board programs and activities.
- 16) Advise the Board relative to issues and problems as they affect health care.
- 17) Establish and control budgets.
- 18) Identify and work to mobilize resources that may impact favorably on the health needs of constituent Indian tribes.
- 19) Coordinate planning and arrangements for Quarterly Board meetings.
- 20) Continue formal and informal dissemination of health news and information to tribal constituents and tribal health boards.

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- 21) Operate an active communications network serving the constituent tribal organizations in promotion of the objectives of the NPAIHB relating to the Indian Self-Determination Act and participation in Indian Health Service and other health programs.
 - 22) Responsible for adherence to this manual, State and Federal laws and regulations by all employees.
 - 23) Represent the NPAIHB in coordination with Board members at various area and national health-related meetings as approved by the Board Chair and reported to the Board.
 - 24) Other duties as assigned from time to time by the Chair of the NPAIHB or by various Board committee chairs with the concurrence of the Board Chair.

Delegation of Authority

The overall supervisor of the NPAIHB employees will be the Executive Director who will be responsible to the NPAIHB. To the extent specifically authorized by the NPAIHB Executive Committee, the Executive Director may delegate programmatic and supervisory authority to other NPAIHB staff.

PROGRAM PLANNING AND DEVELOPMENT

- 1) Program planning is a continuous process for which the Executive Director is responsible
- 2) Each staff member shall constantly evaluate his/her program and provide input to the Executive Director to be used in future planning.
- 3) Development of new programs
- 4) The development of NPAIHB programs is the responsibility of the Executive Director.
- 5) All proposals for NPAIHB programs shall be reviewed and formally approved by the NPAIHB Board of Directors before these proposals are submitted to the funding agency.

PROGRAM RECORDS

Record Retention Policy

NPAIHB will be in compliance with the Federal OMB circular for all records retention related policies.

Personnel Records

The Executive Director is responsible for maintaining all personnel records in a safe and confidential manner. Records shall be kept on all personnel actions including, but not limited to, hiring, promotions, dismissals, reprimands, grievances, and resignations of both full-time and part-time employees.

All applications, performance reports and related material pertaining to each employee shall be kept in individual files. Upon written request, employees may receive copies of materials in their own personnel files. Copies will be made available no later than two full working days of receipt of written request.

The Personnel Committee and the Executive Committee may as a function of their committee responsibility review employee personnel files.

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In accordance with Federal regulations, personnel records of employees are not public information and, therefore, should be treated as confidential. Disclosure of confidential information shall be a matter for disciplinary action.

The Executive Director shall have sole responsibility for providing all job references requested by outside organizations.

Program Files

The records and correspondence of all NPAIHB programs are the exclusive property of the Board and are not to be removed or destroyed by current or departing staff.

All Board records relating to contracts are to be filed and stored for at least seven (7) years after completion of the contract.

All Board records relating to grants are to be filed and stored for at least three (3) years after completion of the grant.

FISCAL MANAGEMENT AND RESPONSIBILITIES

Responsibility

All operating fiscal management responsibilities and authority have been delegated by the Board to the Executive Director, with regular reports to the Executive Committee and the Board of Directors. The Executive Director retains general supervision of all fiscal operations.

Function of Executive Director:

- 1) Establish budget priorities and approves budgets for all NPAIHB proposals and programs to be reviewed and ratified by the Board of Directors or Executive Committee.
- 2) Approves all budget modifications.
- 3) Control and coordination of special conditions attached to grants and contracts.
- 4) Consultation with appropriate officials to define and clarify fiscal and other requirements for proposed and operating programs.
- 5) Review and approves all purchase orders and claims relating to expenditures of the Board.
- 6) Contract with Certified Public Accountants for regular audits of Board programs. Audits are to be obtained at least every two years.
- 7) Approves all contracts and agreements entered into with consultants, landlords, suppliers, etc.

Fiscal Responsibilities Include, but is not limited to;

- 1) Maintain a record of expenditures by program activities of the NPAIHB.
- 2) Prepare and submit all financial reports on program activities as required by the funding source or the Board of Directors.
- 3) Prepare for and assist in internal and independent audits.
- 4) Certify the availability of funds on all expenditures.
- 5) Maintain a chart of accounts for accounting purchases.
- 6) Control and maintain all accounting records.
- 7) Prepares budgets and budget modifications for approval by director.
- 8) Plans and coordinates the investment of Board resources to maximize interest income.

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Accounting System

The Corporation's fiscal year begins October 1st, and ends September 30th. An accounting manual for the NPAIHB is maintained to explain the Board's accounting systems and procedures. The maintenance of this manual is the responsibility of the Executive Director and is approved by the Board's Executive Committee.

Credit Cards

Content is available in the Accounting Manual

Bonded Positions

The Executive Director, Executive Director's Management Team, the Board Chair, Board Secretary-Treasurer, and all other employees involved in the handling or disbursing of funds shall be bonded.

Protection

Content is available in the Accounting Manual

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SECTION C: PERSONNEL POLICIES & PROCEDURES

HIRING

Hiring Policies

Hiring authority for all staff positions (except the Executive Director) have been delegated to the Executive Director. The Executive Director may delegate specific responsibilities for interviews and position recommendations to other Program staff.

All new personnel will be introduced to the Board as soon after hire as practical. A report on all staff changes will be made to the NPAIHB on a quarterly basis. The NPAIHB will comply with all Federal statutes relating to non-discrimination.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Board will be based on merit, qualifications, and abilities. Other than Indian preference in hiring, the Board's policy is to ensure that all employees are treated equally and that no employee or job applicant shall be discriminated in employment on the basis of race, color, religion, age, sex, national origin, physical handicap, sexual orientation, marital status or any other characteristic protected by law.

In-house Consideration

New hires and current employees who have successfully completed their probationary period of their current position will be given in-house consideration.

Returning Employment

Former regular employees who are rehired within twelve (12) months after their last day worked will have their tenure reinstated for the purpose of restoring years of service in the organization and the period off the payroll will be treated as a leave of absence without pay. Their rate of accrual of sick leave, annual leave, and the Board's contribution to their tax-sheltered annuity will be reinstated as it was on their last day of employment. Reinstated employees will not accrue annual leave, or other employee benefits during the period of absence and are not guaranteed their former position or salary earned.

Former regular employees who are rehired after twelve (12) months of their last day worked will have half (1/2) of their tenure reinstated.

Indian Preference Policy

In accordance with Title 25, U.S.C, Section 450 e (b) preference will be given to Indians in all NPAIHB employment areas. For the purposes of the NPAIHB Indian Preference Policy, "Indian" shall mean "any member or descendant of a member of a federally-recognized tribe." Applicants must meet the established minimum qualifications in order for Indian preference to apply.

Candidates will be required to furnish documentary evidence of their qualifications for Indian preference when applying for employment with the board..

Hiring Procedures

The following steps, subject to the policies stated previously, will be taken in hiring personnel:

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- 1) Job Description: A job description approved by the Executive Director and the Personnel Committee will be prepared for the position if a job description does not presently exist.
- 2) Vacancy Announcement: A vacancy announcement including qualifications and responsibilities listed in the Job Description, Salary, and application instructions will be prepared. The Executive Director may circulate the vacancy announcement among staff before advertisement and hire in-house as appropriate.
- 3) Announcement of Job Opening: Advertised positions will be held open for a period of at least two (2) weeks.
 - a) *Promotion*: The Board prefers to promote from within and will strive to first consider current employees with the necessary qualifications and skills to fill vacancies. Indian preference will apply.
 - b) *Reclassification*: In some instances, it may be essential for the Board to revise an existing employee's job description. Non-exclusive examples of such situations include adding responsibilities to the employee's job description, combining two positions into one or splitting one position into two, or changing the statement of work, program goals, or funding for a program. A department supervisor may propose reclassification as a means of promotion. All promotions and reclassifications are subject to approval by the Executive Director.
 - c) *Individual Personnel Agreement (IPA)*: the Executive Director may directly hire a person who has been assigned to the Board for at least one (1) year from a federal, state, tribal or other agency at the Board with written concurrence of the Chair of the Board.
 - d) Recruitment bulletins will be circulated to tribal councils, newspapers, and trade publications, interested agencies and organizations in an effort to get the best qualified personnel

Employment of Relatives

NPAIHB policy prohibits favoritism and/or nepotism in official transactions on the basis of family relationships. The following guidelines apply:

- 1) 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).
- 2) No person shall hold a position that is supervised by another person who resides in the same household.

Employment Agreement

All employees of the Board shall accept the conditions of employment set out in the Employment Agreement and shall sign such document when first hired.

Probationary Period

Except as provided below, no appointment to a regular staff position shall be final until the appointee has successfully completed a probationary period of not less than six (6) calendar months from the effective date of the probationary appointment.

A probationary period, for good cause as determined by the Executive Director, may be extended for a maximum of three months at which time an employee must receive a successful performance evaluation or be dismissed. After an employee has completed one probationary period, any subsequent

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probationary period for a new appointment may be shortened or waived as determined by the Executive Director.

Prior to regular appointment, a written performance evaluation shall be prepared by the employee's supervisor approved by the Executive Director and made part of the employee's personnel record. An additional copy shall be given to the employee.

The employee may be dismissed at any time during the probationary period. Dismissal during, or at the end of, the probationary period shall be based on the employee's unsuitability for the position as determined by the Executive Director. The employee shall be notified in writing of the failure of probation. The Personnel Committee will be informed of the action taken. An employee discharged during the probationary period shall not be entitled to recourse through the grievance procedure in this manual. Any Annual Leave or Leave without Pay taken during an employee's initial probationary period shall extend the employee's probationary period by the same amount.

ANNUAL PERFORMANCE EVALUATION

A performance evaluation of regular employees will be completed by the immediate supervisor annually on or within thirty (30) days of the anniversary of the employee's date of hire for the current position.

The Personnel Evaluation form is to be used for all evaluations. Scoring will use the system on that form in order that all employees are rated consistently. Supervisors will measure performance against the rating criteria.

Before preparing the evaluation, supervisors should meet informally with other individuals who assign work to the individual being supervised to ensure that all performance issues are identified in the evaluation.

After the supervisor has prepared and presented the written evaluation to the employee being evaluated and they have each signed it, the Executive Director will review and sign it to complete the process.

WORK SCHEDULE

Hours of Work

The workday begins at 8:00 am and ends at 5:00 pm, with one (1) hour for lunch. Variations in the regular workweek must be arranged and approved by the Executive Director. In addition, there will be an authorized 15-minute break within every 4-hour period of work.

Hourly employees who are in positions, which from time to time, require working beyond their normal hours, will be compensated per applicable laws. Overtime is approved by the employee's immediate supervisor and the Executive Director prior to each occurrence. An hourly employee's time sheet shall reflect any overtime.

The Executive Director can authorize the use of a time clock or its discontinuation.

Flexible schedules can be arranged by the Executive Director.

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Travel time (except travel to and from work at the NPAIHB office) will be considered to be work time and logged accordingly by those persons on authorized travel. While out of the office on travel status, employees will be paid for 8 hours of work per day. Hourly workers will be compensated per applicable law for any overtime worked.

Telecommuting and Work at Home Policy

The Board supports the concept of telecommuting and has a policy similar to that of the federal government. Employees who are organized, have proven their ability to work independently, have completed their probationary period, have a good work record, have no record of abuse of sick or annual leave and can be away from the office for approved periods of time, can obtain, with the supervisor's and Executive Director's approval a telecommuting work schedule that follows the written policy.

Absence from Work

Employees are required to notify their supervisor no later than thirty (30) minutes after the start of their schedule beginning the first day they will miss. Failure to report within the required time may result in Leave Without Pay. Three (3) consecutive days of absence without leave where any employee did not report to their supervisor is an automatic resignation from employment.

Holidays

The following shall be holidays for all employees of the NPAIHB:

- New Year's Eve
- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas
- Christmas Eve
- Two Personal Holidays

Any day appointed by the President of the United States or the Governor of Oregon for Federal and State employees to observe as a holiday will apply to the NPAIHB staff.

When any holiday falls on Saturday, the Friday before will be observed as the holiday. Holidays falling on Sunday will be observed on Monday.

Temporary employees shall not be compensated for holidays. Part-time employees shall be compensated in proportion to their hours of work. Part-time employee's direct supervisors are responsible to ensure that the part-time employee's hours are monitored and remain within budget.

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LEAVE

Family and Medical Leave

The Board adheres to all applicable laws.

Sick Leave

Each employee shall be credited with sick leave at the rate of two (2) hours for each week in which the employee worked for a full week or was on paid leave. No employee shall accrue more than 750 hours of sick leave. Employees may donate accumulated annual leave to fellow employees who have exhausted his/her sick and annual leave and who must be off work due to serious illness or injury to themselves or immediate family (parent, spouse, child).

The NPAIHB shall keep accurate records of earned and used sick leave. NO PAYMENT FOR UNUSED SICK LEAVE SHALL BE MADE UPON SEPARATION.

Sick leave is to be used only for the following reasons:

- 1) Sickness or injury which makes it impossible for the employee to perform his or her duties.
- 2) Employee non-emergency routine medical or dental appointments.
- 3) Illness in employee's immediate family (parent, spouse, child) which requires employee's presence.

Abuse of sick leave will result in disciplinary action.

Except in emergency circumstances, employees using sick leave are required to telephone the office by 8:30 am. Failure to do so will be an unexcused absence and will be charged to leave without pay. If accrued sick leave is exhausted, an absence may be charged to annual leave with the Executive Director's approval. If annual leave is exhausted, the absence will be leave without pay. Sick leave may not be advanced.

Except in the case of major illness or surgery, excessive days away from work will constitute absenteeism and will result in disciplinary action. An employee who uses three consecutive days of sick leave or uses excessive days of sick leave is required to provide a letter of verification from a physician verifying the illness.

If an employee uses fewer than three days of sick leave in one calendar year, one extra day of annual leave will be awarded as "wellness leave" in the next calendar year. If an employee uses fewer than two days of sick leave in one calendar year, a second day of annual leave will be awarded as "wellness leave" in the next calendar year. Sick leave hours taken for regular medical/dental appointments are not included.

Maternity Leave

Employees may use accumulated sick leave, annual leave, or leave without pay as maternity leave. Maternity leave may be taken before and after the birth of a child, but may not exceed six months duration.

Infants at work

Employees may bring children up to six-months of age to work.

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Annual Leave

Each employee with fewer than three years of service will accrue two (2) hours of annual leave for each 40-hour workweek completed, or while employee is on paid leave. After 3 years of employment with the NPAIHB, each employee will accrue three (3) hours of annual leave for each 40-hour workweek completed, or while employee is on paid leave. No more than ten (10) days (80 hours) of annual leave may be carried forward to the following calendar year. Payment for annual leave in lieu of time off may not be made during the period of employment. Annual leave will not be accrued by employees on non-pay status.

Use of annual leave requires prior approval. The employee must submit an annual leave request at least 5 days in advance of departure. The time when vacation shall be taken shall be approved by the Executive Director after considering the needs of the Board and the tribes and the seniority of the employees. Accurate records of earned and used vacation shall be maintained on all employees by the Finance Department.

ANNUAL LEAVE IS AN EARNED ITEM. At any employee's departure, he/she shall be reimbursed for any unused part of his/her annual leave unless the employee did not give a two-week notice. The Executive Director, or, in the case of the Executive Director, the Executive Committee may grant a waiver of such notice. Waiver of notice will be granted only in emergencies beyond the control of the employee.

Cultural Leave

Cultural leave is for employees to participate in tribal cultural events for non-employment related purposes. Each employee is entitled to take up to three days of cultural leave per calendar year. For each hour of cultural leave taken, one hour of annual leave must also be taken consecutive to the hour of cultural leave. Cultural leave must be approved by supervisor and Executive Director if the event is likely to increase the employee's knowledge of American Indian and Alaskan Natives.

Leave of Absence Without Pay

A leave of absence may be granted to any permanent employee. A leave of absence shall be granted only to an employee who desires to return to the NPAIHB and who at the time the leave is granted, has a satisfactory employment record.

Leave of absences for thirty (30) working days or less in any calendar year may be granted upon the approval of the Executive Director based on the requirements of the positions.

Upon request of the Executive Director and approval by the Board, longer leaves of absences without pay may be granted to an employee who: (1) desires to attend school or college or to enter training to improve the quality of his service; (2) is temporarily incapacitated by a medical condition; (3) is lent to another agency for the performance of a specific assignment; or for some other reason equally satisfactory. A leave of absence shall not be granted to an employee who is leaving the NPAIHB to accept other employment except as provided above.

Employees are not eligible for leaves of absence unless they have been employed continuously for a minimum of one year.

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Upon return from a leave of absence, the employee will be reinstated to his/her former position at the salary he/she was earning before the leave plus any additional cost-of-living increases given during the interim. The employee will retain all rights and benefits accrued prior to the leave.

An employee must return to work on the first scheduled workday following the expiration date of the leave. Failure of the employee to return on this date will be interpreted as voluntary termination of employment.

An individual on leave of absence without pay will not accrue annual leave, sick leave or other employee benefits, and the time will not count toward benefits accruing from seniority.

Leave of Absence With Pay

Jury or Witness Duty: A leave of absence with pay shall be granted to any employee who serves on a jury or is a witness for the federal government, the State of Oregon, or a political sub-division thereof. The employee shall be paid his/her regular salary and any compensation fees. Any such jury or witness duty shall not be charged to vacation or sick leave. Any compensation, excluding parking and mileage allowances, paid to the employee by the court must be submitted to the NPAIHB.

Education Leave: Employees may be granted educational leave not to exceed three (3) hours per week, which will not be charged to annual leave. Prior approval by the Executive Director is required and will be given if the education is for the benefit of the NPAIHB or is supplemental to the employee's career plans. Educational leave may not be accrued. Upon completion of the course of study, the employee is required to submit evidence of attendance to the Executive Director.

Administrative Leave: The Executive Director may grant administrative leave for but not limited to the following: (1) up to three (3) days for attendance by an employee at a funeral for a member of the employee's immediate family (spouse, child, parent, grandparent, aunt and uncle, niece and nephew, brother, sister, mother-in-law and father-in-law, brother or sister-in-law); (2) absences from work caused by severe weather.

TERMINATION OF EMPLOYMENT

Reduction In Force, Reorganizations and Layoffs

If the NPAIHB must reduce, reorganize or lay-off employees because of program funding restrictions or changes in program priorities directed by the Board of Directors, employees affected by such changes will be given as much advance notice as possible.

Severance pay will not be provided to employees who terminate Board employment either voluntarily or involuntarily.

Resignations

An employee desiring to resign may do so by notifying the Executive Director in writing, giving the reasons and the effective date. Failure to give at least two weeks notice may result in denial of payment of accrued annual leave. However, waiver of required notice may be granted by the Executive Director for good cause.

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PAY

Categories of Employees

The Northwest Portland Area Indian Health Board shall maintain two major categories of employment for the purpose of distinguishing job responsibilities, requirements and compensation.

- 1) "Exempt employees" are those salaried staff who is hired to perform professional duties. These employees regularly exercise independent judgment and discretion. They are exempt from state and federal wage and hour laws. They are required to travel on agency business, using their personal vehicles.
- 2) "Non-exempt employees" are those hourly staff who works exclusively in the NPAIHB offices, performing secretarial, bookkeeping, and other support duties under the direction of NPAIHB professional staff. They are subject to federal wage and hour laws. They may be required to travel on agency business, using their personal vehicles.

Classes of Employees

Employees of the NPAIHB are classified as follows:

- 1) REGULAR FULL-TIME EMPLOYEE: An employee who works a full 40-hour workweek and is employed continuously for an indefinite period of time or minimum of six (6) months in a calendar year and has completed their probationary period.
- 2) REGULAR PART-TIME EMPLOYEE: An employee who works less than a full 40-hour workweek and is employed continuously for an indefinite period of time or minimum of six (6) months in a calendar year and has completed their probationary period. Regular part-time employees are eligible for benefits in proportion to their hours of work. . The arrangement of part-time status must have approval of immediate supervisor and Executive Director and is dependent on the availability of funds.
- 3) TEMPORARY EMPLOYEE: An employee, hired for less than six (6) months on either a full-time or part-time basis. Temporary employees are not eligible for annual, sick leave, health or disability insurance, retirement benefits, holiday pay, or in-house preference for employment.
- 4) PROBATIONARY EMPLOYEE: An employee who has not completed their probationary period. A probationary employee accumulates annual and sick leave. A probationary employee may be dismissed at any time during the probationary period without cause, based on the employee's unsuitability for the position based on the determination of the Executive Director. An employee discharged during the probationary period shall not be entitled to recourse through the grievance procedure in this manual.

Payroll Policies

Time Reports: The Accounting Department is responsible for the preparation of the NPAIHB payroll. Payroll checks will not be issued without a Time Distribution Report or time card, which includes a signature of the employee, approved by their supervisor, and signed by the Executive Director. Total hours will be reported for each day worked for each employee. Annual Leave, Sick Leave, Holiday Leave, Overtime, must be reported in appropriate categories of the Time Distribution report. A statement of gross earnings, an itemization of all deductions, and net earnings will accompany each paycheck.

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Pay Days: Pay days are on the 5th and 20th of each month. Time reports cover the periods of the 1st through the 15th, and the 16th through the last day of each month. Time reports are due, in the Accounting Department, on the 16th and 1st day of the following month.

Emergency Draws: Under emergency circumstances (i.e., family death, medical or other emergencies beyond the control of individuals), employees may request an emergency draw. Such a request will require the approval of the employee's immediate supervisor and the Executive Director. Emergency Draws will be made not to exceed an amount equal to the hours accumulated at the time of the request. The amount of the draw will be withheld from the paycheck that the wages were drawn against. All requests for emergency draws will be reviewed on an individual basis.

Final Paycheck Policy: Employees resigning from their position giving the Board less than 48 hours notice, will be paid within (5) days of their last day worked excluding weekends and holidays. Employees giving 48 hours or more of advance notice of resignation will be paid on their final day of work.

Terminated employees, whether it is involuntary termination, or mutual consent, will be paid on their final working day.

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Salary Increases

Merit Increases: Merit increases will be allowed for employees after the probationary period and will depend on the employee's performance evaluation and the availability of funds.

Cost-of-Living Increases: Cost-of-living increases are approved by the Executive Committee in consultation with the Executive Director and are contingent on the availability of funds and will be based on the Consumer Price Index for the Portland Metropolitan Area. The Executive Committee determines the effective date of all cost-of-living increases. All regular employees are eligible for cost-of-living increases. Employees who have successfully completed one six-month probationary period and who are serving another probationary period because of a job change are eligible for cost-of-living increases.

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STAFF TRAINING

It is the policy of the NPAIHB to provide employees with educational opportunities, to encourage professional development so they may better perform their present jobs, and acquire skills permitting mobility to positions of greater responsibility. Annually each employee will develop a training plan that will be reviewed and approved by the Executive Director. Training decisions will be based on the importance of the training to Board operations, the employee's performance evaluation, and the availability of training funds.

REPRESENTATION

Attendance at NPAIHB Meetings

Employees are encouraged to attend meetings of the NPAIHB. Employees will be required to attend meetings when requested by the Executive Director or Board. The Executive Director will attend all Board meetings. Program Directors will be required to give program reports, oral and written, to the Board at the request of the Executive Director or the Chairperson.

Representation of Board

Except as set forth here, employees may not assume the role of spokesperson for the Board unless directed to do so by the Executive Director with prior approval of the Chairperson. Employees may express the policy of the Board as may be set forth in written documents or resolutions.

Employee Representation on Board and Committees of Other Organizations

Employees who wish to represent the NPAIHB on Boards or Committees of other organizations must first obtain the approval of the Executive Committee.

The Board will not permit an employee to engage in any activities that create a conflict between his/her responsibilities as a Board employee and his/her personal, private, or other such interests.

Staff Representation at Meetings

Staff of the NPAIHB attends many meetings or gatherings, both national and local, within the scope of NPAIHB projects or contracts. Certain protocol and practices will govern NPAIHB staff participation in such events.

Attendance at National (Outside Northwest Area) Meetings: Requirements for attending national meetings shall be when: (1) authorized by the Executive Director; (2) the budget permits the expenditure; (3) the meeting relates to NPAIHB goals and objectives; (4) attendance does not interfere with regular duties and responsibilities. National meetings sponsored by the NPAIHB require participation by all authorized staff.

Local (Northwest Area): The same controls regulating attendance at national meetings shall apply to staff participation in local meetings in the Northwest area. The Executive Director may delegate approval authority for area travel to an employee supervising other staff.

PROGRAM OPERATIONS MANUAL

Electronic Communications Policy

A panel consisting of the Executive Director and majority of the management team can recommend to the Executive Director the reading of an employee's email.

There is no right to privacy for Internet use. The Board retains the right to review all Internet use including history of usage.

CONFLICT OF INTEREST

Prohibited Activities

No employee of the NPAIHB may:

- 1) Participate in any political activities prohibited by law or regulation or contract/grant provisions.
- 2) Lobby or solicit resources for his/her program without Board approval.
- 3) Use the office postage meter for personal mail.
- 4) Write personal letters on Board letterhead stationary.
- 5) Write letters of support for other organizations or individuals on behalf of the Board or as a Board employee without the approval of the Board of Directors.
- 6) Charge long-distance personal calls to the NPAIHB.
- 7) Use any Board resources for personal benefit.
- 8) Accept favors or gifts from vendors, contractors, or any other person who has or proposes to have business dealings with the NPAIHB.
- 9) All outside employment (moonlighting) shall be approved by the Executive Director upon a determination that such employment would not adversely affect the employee's performance and professional responsibilities to the Board. Employees are prohibited from using Board telephones, equipment, supplies, or staff time for purposes of outside employment. Staff may not conduct business related to outside employment during Board office hours. The solicitation of business for personal compensation during office hours or while on travel status as a Board employee is prohibited. Any employee who earns compensation for services in which their solicitation is based on their expertise, skills or position with the Board shall first have the approval of the Executive Director and shall turn any compensation for such services over to the Board.

Receipt of Favors or 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 Board. If you're uncertain discuss with supervisor.

Release of Confidential Information

Employees may not disclose privileged or confidential information without authorization by the Executive Director or Board Chairperson. For the purposes of this section, privileged and confidential information includes, but is not limited to, financial information and records of the NPAIHB, employee personnel records, and any other records or information rendered confidential by tribal, state, or federal law. Employees found to be in violation of this section are subject to the disciplinary procedures contained in this manual, up to and including termination.

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Prohibited disclosures include the dissemination of information from any employee within the finance office to anyone outside of the finance office unless such dissemination involves the regular course of duties of the finance office employee.

The release of confidential records maintained by NPAIHB in violation of the Privacy Act of 1974 (Title 5 US Code), Privacy Act Regulations (45 CFR, Part 5b), and NPAIHB policy is prohibited and subject to disciplinary action.

It is the policy of the NPAIHB that requests from NPAIHB staff for tribal data necessary to complete NPAIHB Projects are to be made in writing to the tribal council. The request must include a statement of how the data is to be used, a list of users, a description of how confidentiality will be maintained, and a sample resolution authorizing the release of the data. The Executive Director must approve all requests. Records obtained for NPAIHB projects that contain personal or tribal specific information are to be protected from uses other than those for which they were collected and be accessible only to those assigned to the project. Personal and tribal specific information is not to be disclosed without the individual's or tribal government's prior written consent. Confidentiality must be maintained by NPAIHB staff so that the relationship and reputation of NPAIHB with its member tribes and with other agencies is not jeopardized, and the reliability of data is not questioned.

Intellectual Property and Product Ownership

The educational, administration, and research activities of NPAIHB employees may result in the discovery of new knowledge in the form of inventions, technological improvements, or in the production of educational and professional materials. All inventions, technological improvements, and educational or professional materials are the property of NPAIHB (unless they have been designated as belonging to a funding agency through written agreement) if such inventions, technological improvements, and educational or professional materials are conceived, developed and/or produced either:

(1) Within the scope of employment. Work is considered within the scope of employment if related to your job responsibilities, even if the NPAIHB has not specifically requested that you create the work. Work is related to your job responsibilities if it is the kind of work you are employed to do and you do it, at least in part, for your use at work, or for use by fellow employees, or for the NPAIHB or any of its clients, member tribes or their patients, or NPAIHB's funding agencies. Your use of personal time or other facilities, systems or equipment to conceive, develop and/or produce the work will not change its basic nature as belonging to the NPAIHB if it is related to your job as described herein.

OR

2) On NPAIHB time (i.e. during work hours) or with the use of NPAIHB facilities, systems or equipment, whether or not it was created within the scope of employment.

These discoveries and products may not be reproduced in whole or in part, and any publication or other distribution of these products is prohibited, without the explicit written permission of NPAIHB.

Employees shall be responsible for disclosing to their immediate supervisor and the Executive Director all inventions, technological improvements, and educational and professional materials conceived, developed and/or produced within the scope of employment or on NPAIHB time or with the use of NPAIHB facilities, systems or equipment.

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Employees shall be responsible for cooperating and assisting the Board to patent, license, register for copyright, publish and generally assist the Board to provide public access to new knowledge resulting from employee activities.

Project materials are to be used to assist in achieving the project goals and objectives, and to serve as resources for other Board efforts. Any use beyond this scope requires written permission. Employees may not allow anyone else to utilize the material unless permission is granted by NPAIHB in writing.

Office Dress Code

The importance of first impressions among the visiting public dictate a minimum standard of dress be maintained while working for the Board during normal business hours. Under most circumstances, staff attire should present a professional businesslike appearance. Tank tops, sweat shirts or sweat pants, T-shirts, shorts or jeans are generally not considered businesslike attire.

Workplace Relationships

We also recognize the increased potential for conflicts of interest, appearance of favoritism and risk of sexual harassment when employees develop close personal relationships of a romantic or intimate nature, or of a character that could result in an allegation of a conflict of interest or inappropriate behavior. All employees must take care to ensure that personal relationships in the workplace do not result in conflicts of interest or situations that might impair objective judgment.

Personal relationships between a supervisor and his or her subordinate employee involve a heightened potential for workplace concerns, including conflicts of interest. A supervisor and his or her subordinate employee engaged in a personal relationship shall promptly disclose the relationship to the Executive Director or the Administrative Officer so that the Board can work with the supervisor and subordinate employee to take appropriate steps to reduce potential conflicts and the impact the relationship may have on the workplace (such as changing direct reporting relationships). All such disclosures will be kept confidential. Failure to make a disclosure as required under this section can result in disciplinary action for both the supervisor and the subordinate employee.

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DISCIPLINARY PROCEDURES

Warning

A warning is to be used to correct minor violations of regulations or unsatisfactory work performance. Its purpose is to caution and instruct employees in an effort to prevent future occurrences. Unless the violation is of a serious nature adversely affecting the work or public esteem of the Board, the warning procedure is recommended. The warning must be timely and based on facts (who, what, where, when and how). It must be given by the immediate supervisor of the employee or the Executive Director. If given by the immediate supervisor, advanced approval must be granted by the Executive Director for all written warnings. The written warning must be reviewed prior to extending this approval. The warning is confidential between the staff person, supervisor, and Executive Director. It shall be given in private and shall be informal and instructive in nature. The first warning on a particular problem shall be verbal and documented by the supervisor; if the problem persists a written warning shall be issued and shall include the following: the standard, the employee's actual performance, corrective action needed, a time frame set forth for completion of corrective action, and the consequence of not meeting the time frame. A written warning shall be placed in an employee's personnel file.

Reprimand

A reprimand can be issued by the Executive Director or a supervisor authorized to take disciplinary action with the concurrence of the Executive Director. Unless the violation or deficiency in performance is of a serious nature adversely affecting the work or esteem of the Board a reprimand, normally, shall be issued to correct the conduct, attitude, or work habits of an employee only after the verbal and written warnings have failed. It must be in writing. It must: 1) factually describe (who, what, where, and when) the improper action(s) of the employee; 2) state the cause or reason for the reprimand; 3) review past corrective efforts, if any; 4) specify positive corrective steps to be reviewed by the employee and the Executive Director within sixty (60) days; 5) caution the employee that future occurrence will result in more severe action which should be clearly spelled out.

The reprimand should be presented to the employee personally by the signer. Any discussions or explanatory information must be relevant to the material in the letter. Other matters should not be introduced or considered at this meeting. The employee shall be requested to sign and date a copy of the reprimand that acknowledges only its receipt. It shall be explained to the employee that such acknowledgement of receipt does not indicate either his/her agreement or disagreement with the contents. If the employee refuses to sign his/her acknowledgement of receipt, another employee shall be called in to witness the delivery of the letter of reprimand or the supervisor may certify on his/her copy that: 1) the letter was delivered to the employee in person; 2) the employee refused to sign the requested acknowledgement; 3) note the exact time and place of delivery.

The copy will be included in the employee's official personnel record.

If circumstances prevent personal delivery of the letter of reprimand, it must be mailed to the employee by certified mail, signature of addressee only, return receipt requested. When the Return Receipt is received, it shall be attached to the copy of the reprimand and both filed in the employee's official personnel record.

Suspension Without Pay

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An action suspending an employee can be taken by the Executive Director. Suspension will be used in conjunction with probation to discipline staff for serious violations of policy and procedures.

An employee may be suspended without pay for a period not to exceed ten (10) working days for any of the following reasons:

- 1) Insubordination (defiance of direct instructions of supervisor or Executive Director).
- 2) Recurring failure to adhere to any part of this Operations Manual
- 3) Conduct reflecting discredit to the NPAIHB (e.g., use of alcohol or drugs while on agency business, failure to attend scheduled meetings, misrepresentation of fact).
- 4) Malfeasance or misappropriation of NPAIHB funds or assets.
- 5) Recurring unauthorized absences and/or chronic tardiness.
- 6) Recurring failure in job performance not sufficient to warrant immediate termination.
- 7) Recurring failure to recognize privacy and confidentiality of other employees and NPAIHB records and files.
- 8) Any other violation of policy or procedure the Executive Director may deem sufficient.

Suspension must be in writing, signed by the Executive Director and must include the following:

- 1) Factually describe (who, what, where, when) the performed improper action;
- 2) State the causes upon which the action is based;
- 3) Review past corrective effort, if any;
- 4) Suggest positive corrective steps;
- 5) Caution the employee that future occurrences will result in more severe action;
- 6) Set forth the period of suspension listing the exact starting and ending dates;
- 7) Advise the employee of his rights to appeal his suspension through the official grievance procedures of the NPAIHB.

The notice of suspension should be delivered personally to the employee, and the Executive Director will from that point, follow the guidelines established for reprimands in Section D of this document. Notice of suspension shall remain a permanent part of an employee's personnel record.

Disciplinary Probation

The Executive Director, or employee's supervisor with the concurrence of the Executive Director, may take disciplinary action against the employee by placing him or her on probation for the following reasons: (1) any reason listed in the section entitled "Suspension Without Pay"; (2) recurring failure to correct deficiencies leading to reprimands; (3) any other violation of policy or procedure which the Executive Director shall deem sufficient.

Unless the violation of deficiency is of a serious nature adversely affecting the work or esteem of the Board, an employee shall be placed on probation only after warnings and reprimands have failed. The Executive Director shall follow the procedural guidelines established in Section D, "Disciplinary Procedures" of this document. The probation notice must state specifically what criteria the employee must meet to be removed from probation.

Disciplinary probation will extend from 30-90 days from the date of the supervisor's decision. During the period of probation the employee will not be entitled to use accrued annual leave.

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Violation of any part of this Operations Manual or repetition of the offense leading to the probation during the probationary period shall be cause for immediate dismissal at any time during the probationary period.

At the end of the probationary period, the supervisor or Executive Director will perform a performance evaluation to assess the employee's progress in correcting the deficiency. If the deficiency is corrected, the employee shall be removed from probation, and such action shall be noted on the evaluation, which will be placed in the employee's personnel file.

Dismissal

Action to dismiss an employee must be taken by the Executive Director. Absence without leave where an employee did not report to the Executive Director for three consecutive working days is an automatic resignation from employment as provided in Section D, "Absence from Work", of this manual.

In addition, an employee may be dismissed for any of the following reasons:

- 1) Malfeasance or misappropriation of NPAIHB funds or assets.
- 2) Conviction of a felony or class "A" misdemeanor while an employee of NPAIHB.
- 3) Misrepresentation of pertinent facts in the employment application.
- 4) Recurring insubordination.
- 5) Use of employee's position for personal financial gain.
- 6) Recurring failure in job performance.
- 7) Recurring failure to correct deficiencies leading to disciplinary action.
- 8) Any other violation of policy or procedure which the Executive Director shall deem sufficient.

Unless the violation or deficiency in performance is of an extremely serious nature adversely affecting the work or esteem of the Board, an employee shall be dismissed only after warnings; reprimands and probation have failed.

The Executive Director will issue a Notice of Dismissal to an employee who is discharged. The dismissal notice will state the reason(s) for dismissal, the effective date, and must be signed by the supervisor and the Executive Director. The dismissal notice shall be a permanent part of the employee's personnel file.

The Executive Director will administer an exit interview to assist in identifying employee problems or recommendations. The dismissal action and the results of the exit interview will be communicated to the NPAIHB Personnel Committee.

Other

Disciplinary action against the Executive Director is the responsibility of the Executive Committee, employing the procedures outlined in this section.

EMPLOYEE REDRESS

Employee Relationships with the Board of Directors

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The Board of Directors of the NPAIHB shall have complete responsibility and authority through the Executive Director over all personnel engaged in programs or activities sponsored by the NPAIHB. The Executive Director shall be responsible for instruction and supervision of staff. In the event that this line of authority is abridged by a Board member, tribal employee, or other agency, the NPAIHB employee shall be responsible for informing the Executive Director of said instructions, and the Executive Director will take corrective action.

The Board delegates authority to the Executive Director for all day-to-day personnel matters. This authority is to be exercised in accordance with the program operations manual.

Need for Vertical Communication

The Board and the Executive Director recognize the need to provide employees a method to bring concerns and suggestions to the attention of management and to get definitive answers from the decision-making levels of management. The Executive Director's personnel responsibilities include the ability to communicate with any staff.

Grievances, concerns or problems, including but not limited to the examples set forth directly below in "Types of Problems" shall be addressed through the proper, chain of command. Failure to follow the chain of command may result in disciplinary action against the employee. The Executive Director's personnel responsibilities include the ability to communicate with any staff.

Types of Problems

- 1) Need for clarification of NPAIHB policies and procedures.
- 2) Need for new or amended operations procedures.
- 3) Concern over improper fiscal activities by any Board member or Board employee.

Policy

It is the policy of the NPAIHB that difficulties be resolved informally whenever possible through the Informal Resolution process. However when informal attempts have failed to achieve a satisfactory resolution, an aggrieved employee may file a formal grievance under the procedures set out below. No reprisal, retaliation or other adverse action will be taken against any employee for making a good faith attempt to resolve a grievance, concern or problem by following these procedures.

If the employee's grievance, concern or problem involves the employee's immediate supervisor, the employee may make an effort at informal resolution with the next person in the chain of command. If the employee's grievance, concern or problem involves the employee's immediate supervisor, and that supervisor is the Executive Director, then the employee should make an effort to talk with the Executive Director, but may instead proceed directly to Step III of the formal grievance procedure (by filing a written grievance with the Executive Committee) as set forth below. Supervisors who have been found to have taken retaliatory action because of a grievance, informal or formal, are subject to disciplinary action.

If the grievance involves the employee's immediate supervisor, the employee may proceed directly to Step II and file a written grievance with the Executive Director. If the employee's grievance involves the employee's immediate supervisor, and that supervisor is the Executive Director, the employee may proceed directly to Step III and file a written grievance with the Executive Committee.

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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. However, a record of this effort shall be kept by both the supervisor and the employee. This record should consist of any written, telephone or personal correspondence, and shall include dates and times of such communications as well as their content. The record kept by the supervisor shall be placed in the employee's Personnel File, and shall be subject to the restrictions concerning "Confidential Information" set out elsewhere in this Manual.

If this process fails to produce a result satisfactory to the employee, the employee may file a formal grievance. However, an employee may not avail him/herself of the formal grievance procedures until he/she has first made a good faith effort to resolve the issue informally, according to the methods set out above.

Formal Grievance Procedures

Step I: The employee should file a written grievance with the immediate supervisor which explains the nature of the problem, previous attempts at resolving the problem and a description of how the employee would have the problem resolved.

The supervisor is required to respond to the grievance, in writing, describing their decision and setting forth the reasons behind it, within ten (10) working days.

Step II: If the employee's grievance is not resolved satisfactorily with Step I, the employee may choose to submit the grievance to the Executive Director for resolution. The employee's grievance appeal shall be in writing, and shall be submitted to the Executive Director within ten (10) working days of the employee's receipt of the supervisor's decision. The Executive Director will review the grievance and submit his/her decision in writing within ten (10) working days of receipt.

Step III: If the employee has completed the above steps and remains dissatisfied, he/she may file an appeal with the Executive Committee. Such appeal must be filed within ten (10) working days of the final resolution under Step II. The Executive Committee must review the grievance and submit a written decision to the Executive Director and the employee within ten (10) working days of receipt of the appeal.

Step IV: If the employee has completed the above steps and remains dissatisfied he/she may within ten (10) days of receipt of the decision of the Executive Committee file a written appeal with the full Board. Within ten (10) working days of receipt of the employee's appeal, the Chair will poll the full Board to determine if the appeal will be heard. If a majority of the Board does not agree to hear the appeal, the decision rendered by the Executive Committee is final.

If the Board agrees to hear the appeal, time will be scheduled at the next regularly scheduled Board meeting. The Board may call any witnesses and request any documents pertaining to the appeal. The Board shall issue its decision within five (5) working days of hearing the appeal. The decision of the Board is final.

Personnel Action Grievance Procedures

The purpose of this section is to set forth the grievance procedures on personnel actions available to an employee.

PROGRAM OPERATIONS MANUAL

An employee may appeal:

- 1) Disciplinary action (except verbal warning)
- 2) Performance evaluation
- 3) Denial of salary increase
- 4) Discriminatory actions

An appeal must be in writing, identifying the action being appealed and the employee's reason for appealing the action.

Appeals must be submitted no later than five (5) working days after the occurrence of the action being appealed.

Time limits may be extended for a maximum of ten (10) working days by mutual agreement of both parties.

Appeal Procedures

Step I: An employee must submit an appeal to their supervisor responsible for the personnel action being appealed. The appeal must be submitted within five (5) working days after the occurrence of the action being appealed. The supervisor must personally discuss the appeal with the employee and provide ample opportunity for the employee to present their concerns. Within five (5) working days of receiving the appeal the supervisor must submit a written statement to the employee either granting or denying the appeal and stating the reason for the decision.

Step II: If the decision of the supervisor is unsatisfactory to the employee, or if the employee is directly supervised by the Executive Director, an employee must submit an appeal in writing to the Executive Director. The Executive Director must personally discuss the appeal with the employee and provide ample opportunity for the employee to present their concerns. Within five (5) working days after receiving the appeal the Executive Director must submit a written statement to the employee either granting or denying the appeal and stating the reason for the decision.

Step III: If the decision of the Executive Director is unsatisfactory to the employee, the employee may, within five (5) working days, request in writing, a hearing before the Personnel Committee. The employee must simultaneously provide a copy of the request for hearing to the Executive Director. The request must describe the action being appealed, the employee's reasons for appeal, and the relief sought.

The Personnel Committee will review the appeal, the employee's personnel file, and all other pertinent data and within ten (10) working days of receipt of the appeal notify the employee in writing either; 1) that the request for a hearing is denied (specifying the reasons for the denial), and the decision of the Executive Director stands or, 2) that a grievance hearing will be held on the appeal setting a date within twenty (20) working days of the date of receipt of the appeal to the Personnel Committee. The Chairperson of the Personnel Committee is responsible for contacting other Committee members, requesting the employee's personnel file, scheduling necessary meetings, and/or hearings, and preparing all written responses. In the absence of funds for Committee travel, the employee may choose either a telephone conference call or a hearing during the next regularly scheduled Board meeting. The hearing must be conducted in a closed session of the Personnel Committee and all records and proceedings are to be confidential. The employee shall be present at this hearing and may be represented by legal counsel at the employee's own expense. Within five (5) working days of the hearing, the Committee must submit its written decision to the employee and the Executive Director.

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If the decision of the Personnel Committee is unsatisfactory to the employee, the employee may, within five (5) working days of receipt of the decision, appeal the decision to the Executive Committee. The Executive Committee must review the Personnel Committee report and within five (5) working days of receipt do either of the following:

- 1) The Chairperson must set a date for a hearing before the Executive Committee within fifteen (15) working days of receipt of the appeal and ask that the employee, employee's attorney, Executive Director and other interested parties be present. In the absence of funds for committee travel, the employee may choose either a telephone conference call or a hearing during the next regularly scheduled Board meeting. The hearing must be conducted in a closed Executive Committee session and all records are to be confidential.
- 2) The Chairperson is responsible for notifying the employee on behalf of the Executive Committee that the decision of the Personnel Committee stands and give no further audience to the employee.

If the Executive Committee chooses to hear an appeal, the Executive Committee Chairperson must submit a written statement of the Final Resolution of the appeal to the employee, within five (5) working days of the hearing. Personnel decisions by the Executive Committee are final.

All reports and rulings related to appeals shall become a permanent part of an employee's personnel file unless otherwise authorized in the final written decision of the appeal.

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SECTION D: SCIENTIFIC MISCONDUCT POLICY

POLICY

The Northwest Portland Area Indian Health Board (NPAIHB) expects research investigators to observe the highest standards of professional conduct. NPAIHB will act to prevent, detect, and deal with possible misconduct by NPAIHB research personnel.

Misconduct is defined as (1) fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research; (2) material failure to comply with federal requirements affecting specific aspects of the conduct of research, such as the protection of human subjects and the welfare of laboratory animals.

All allegations or other indications of misconduct shall be promptly reviewed in accordance with the procedure described below. The procedure shall be prompt, thorough, and conclusive; shall protect the rights of the affected parties, including confidential treatment; and shall afford an opportunity for the accused to comment on allegations and findings of the inquiry and/or the investigation.

All allegations that are substantiated after investigation shall result in appropriate administrative action.

Accusations of falsifying or misrepresenting research results are serious charges. Any person contemplating such accusations should fully consider the gravity of the accusation and its consequences and should make every reasonable effort to avoid lodging charges that are unsubstantiated or frivolous. Making frivolous or false accusations may constitute grounds for administrative action.

PROCEDURE

The key decision-maker in carrying out the procedure shall be the Executive Director. In the event that the Executive Director has a conflict of interest with a specific claim, the medical epidemiologist will serve as a replacement.

The procedure for acting on allegations of scientific misconduct includes four phases: (1) the allegation; (2) initial inquiry; (3) investigation; and (4) final determination and adjudication.

1) Allegation

Charges of scientific misconduct shall be brought to the Executive Director. The charges must be stated in writing and describe what misconduct is alleged and on what basis. An allegation may be made anonymously; however, NPAIHB will protect the confidentiality of the person bringing an allegation if his/her identity is disclosed and that person requests confidentiality. The person bringing a charge should consider carefully whether reaching the truth can be enhanced by his/her full and candid cooperation or will be diminished by a request for confidentiality.

2) Initial Inquiry

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The initial inquiry stage will include initial information gathering and fact-finding sufficient to determine whether an allegation of misconduct warrants an investigation. The standard for determining whether an allegation of misconduct warrants an investigation shall be reasonable cause that there has been misconduct.

- a) The Executive Director will advise the accused of the allegation and of the process to follow. The Executive Director shall have the authority to take whatever steps are necessary to secure data needed to ascertain whether there is reasonable cause to believe that there has been misconduct.
- b) The Executive Director will appoint an Inquiry Committee of no more than three individuals to conduct the initial inquiry into the allegations. The members of the Inquiry Committee shall not have been involved in the scientific work under question and shall be otherwise free from any material conflict of interest. Legal counsel shall advise the committee.
- c) The Inquiry Committee shall hold private and separate sessions to hear the accuser, the accused, and others as determined necessary by the Inquiry Committee. All evidence that is produced which bears directly upon the charges shall be secured and reviewed. The Inquiry Committee shall make a report and recommendation to the Executive Director within ten (10) working days after the Executive Director has been informed of the charge. Under exceptional circumstances this period may be extended but not to exceed twenty (20) working days. The recommendation from the Inquiry Committee shall either be 1) that the allegations are without merit; or 2) that there is reasonable cause to believe that the allegations are true. The report shall be made in writing and shall contain a description of the evidence reviewed, the conclusion reached and the Inquiry Committee's supporting rationale.
- d) The accused shall receive the Inquiry Committee's report and if s/he comments on the report the comments will be made a part of the record.
- e) The Executive Director shall review the recommendation and supporting rationale of the Inquiry Committee and make a final determination of whether to undertake an investigation. This decision shall be delivered in writing along with the Inquiry Committee report, without necessary delay, to the accused, the Inquiry Committee, the Chair and all members of the NPAIHB Board of Directors. The accuser, if identifiable, shall be given the portion of the report which addresses his/her role and opinions and a summary of the final determination of the inquiry.

3) Investigation

The investigation stage will involve examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is admitted, an investigation may nevertheless be conducted to determine the extent of any adverse effects resulting from the misconduct.

- a) The Executive Director shall have the authority to suspend the accused, with or without pay, during the investigation phase or to limit the work to be done by the accused.
- b) The Executive Director shall determine whether any sponsoring agency must be notified that an investigation is underway and assure that notice is given.
- c) The Executive Director shall convene an Investigating Committee composed of individuals with both scientific and tribal community expertise to conduct a complete investigation of the allegations. The Investigating Committee should not be excessive in size, but should contain individuals with sufficient expertise and dedication to conduct a thorough and equitable investigation. The members of the Investigating Committee shall be free from any material conflict of interest. In order to assure no material conflict of interest, members of the Investigating Committee may be selected from outside NPAIHB. The Executive Director

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- may also choose to have selected external experts serve as reviewers of all or part of the Investigating Committee's report.
- d) The Investigating Committee shall conduct a thorough, timely, and conclusive report within a 90-day period. Under extenuating circumstances, the Executive Director shall have the authority to extend the 90-day period, but not to exceed an additional 10 working days.
 - e) The investigation shall be conducted in such a way as to maximize the determination of truth in the matter. The accused, the accuser and any witnesses at the discretion of the Investigating Committee shall be heard privately by the Investigating Committee, not in the presence of others. All relevant evidence should be secured and that evidence which bears directly upon the charge shall be reviewed. The Investigating Committee may tape or video record any session.
 - f) The Investigating Committee shall have necessary support (e.g., clerical, information gathering, organizational, security, record keeping, and confidentiality) which will be arranged by the Executive Director. Legal counsel shall advise the Investigating Committee.
 - g) The Investigating Committee will provide a written report of its process, findings, conclusions, recommendations, and supporting rationale, together with all documentation and evidence, to the Executive Director and the accused. If the accused comments on the Investigating Committee's report, such comment will be made part of the record.
 - h) Within five (5) working days, the Executive Director shall review the report and make a recommended finding to the Board as to whether misconduct has been substantiated. The Executive Director will also recommend further actions to the Board. This recommendation will be delivered in writing together with the Investigating Committee's report and recommendations to the accused, the Investigating Committee, and the Chair and all members of the Board. The accuser shall be given the portion of the report which addresses his/her role and opinions and a summary of the final determination of the investigation.
 - i) The Executive Director will assure that necessary reports are filed with appropriate sponsoring agencies.
- 4) Final Determination and Adjudication
- a. With advice of legal counsel, the NPAIHB Board shall review the report and recommendations of the Executive Director. It shall have the right to call before it any party or witness from whom the Board, in its sole discretion, determines it should take additional testimony. The Board shall make a final determination regarding the alleged misconduct. This decision shall be delivered in writing without unnecessary delay to the accused, the Executive Director, the Inquiry Committee, and the Investigating Committee. The accuser, if identifiable, shall receive a summary statement of the final determination.
 - b. If any misconduct is substantiated, collaborators shall be advised as well as any publication offices effected.
 - c. If misconduct is not substantiated, the Executive Director will undertake immediate efforts to restore the reputation of those under investigation by notifying all collaborators, and parties involved in the investigation and any sponsoring agencies or publishers in writing.
 - d. If misconduct is substantiated, the NPAIHB Board will initiate appropriate sanctions. Sanctions available to the Board include, but are not limited to the following types of actions: requiring that work be corrected or redone; requiring that work be done under supervision; requiring repayment of costs incurred by NPAIHB and caused by the misconduct; requiring that scientists or other implicated personnel be placed on probation, suspended from work with or without pay or terminated from employment. Actions or combinations of actions of this kind may be taken either for a specified period of time or permanently.

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- e. The Board's decision on sanctions to be administered shall be made within five (5) days of the Board's final determination regarding the misconduct and shall be delivered in writing to the accused, the Executive Director, the Inquiry Committee, the Investigating Committee, and members of the Board. The Board's decision shall be final.

SECTION E: SAFETY POLICY

The NPAIHB is committed to ensuring the safety of its employees, clients, and Board members while engaged in Board activities. Employees are required to immediately report any unsafe or hazardous conditions they become aware of to the Executive Director and to take any practical steps to prevent any persons or property from being harmed by these conditions. Supervisors are required to report such conditions to the Executive Director and are further required to take whatever practical steps within their power to prevent any persons or property from being harmed by these conditions. Failure to comply with these reporting requirements will subject the employee to Disciplinary Action.

All employees are required to report work-related accidents to the designated safety officer (Human Resources Office) by close of business on the working day during which the accident occurred. Employees away from the Board office who suffer a work-related injury must phone in a report to the Safety Officer within 24 hours of the accident.

SECTION F: DRUG FREE WORK PLACE POLICY

DRUG FREE WORK PLACE GUIDING PRINCIPLES

It is the policy of the NPAIHB to provide its employees with a safe and healthy work environment. In order to do so, the Board prohibits the use, sale, dispensing or possession of illegal drugs and alcoholic beverages in the work place.

To accomplish the purpose of a Drug Free Work Place environment the NPAIHB:

- 1) Establishes an Employee Drug Testing Program that:
 - a) Will test employees where there is probable cause to suspect drug or alcohol use in the work place.
 - b) Will monitor employees during a period of one (1) year following completion of a substance abuse rehabilitation program.
- 2) NPAIHB Employee Drug Awareness Program is to:
 - c) Help employees become aware and informed about the use of behavior altering substances.
 - d) Provide opportunities for supervisors and managers to be effective in assisting employees to be productive and in resolving problems that interfere with that purpose.
 - e) Assist employees who assume responsibility for taking the action necessary to correct their problems at the work site.

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- 3) Will pursue all efforts to terminate and prosecute all employees involved in drug trafficking.

The intent of the NPAIHB's Drug Free Work Place Policy is not to diagnose alcoholism/chemical dependency but rather to respond appropriately and consistently to inappropriate work behavior. The Board takes the position that alcoholism and chemical dependency is an illness and that an employee with this illness should have the same opportunity to rehabilitate as with any other illness – should they choose to do so. However, this position in no way circumvents the discipline policy already being utilized by the NPAIHB. Therefore, any reasonable request of an employee by a supervisor that is refused will be handled through existing policy and procedures.

The drug free work place conditions and procedures, established to carry out the intent of the Drug Free Work Place Policy, are as follows:

- 1) Alcoholism/chemical dependency is recognized as a disease for which there is treatment and rehabilitation, and for which the employee has individual responsibility.
- 2) Employees who suspect they may have an alcohol/drug problem are encouraged to seek rehabilitation through appropriate treatment programs in order to arrest the disease as early as possible.
- 3) Supervisors can, upon request from an employee, provide assistance in identifying an appropriate treatment program.
- 4) Any person having this disease will receive the same consideration that is presently extended under the existing benefit plans to those having any other disease.
- 5) These conditions and procedures apply to instances of alcohol/drug use which affect the job performance of the individual, the safety of co-workers and the public, the reputation of the NPAIHB, and the violation of federal, state, and local laws.
- 6) No employee will have job security or promotional opportunities jeopardized by a request for rehabilitation for an illness.
- 7) Referral for diagnosis will be based on job performance, safety factors and/or test results (as specified).
- 8) The refusal of the individual to accept referral for diagnosis or to follow prescribed treatment will be handled through existing disciplinary procedures.
- 9) The confidential nature of records of individuals with substance abuse problems will be strictly preserved, separately maintained from the personnel files unless disclosure or release is required by law or given written consent by the individual, and will be destroyed upon successful rehabilitation by the employee.
- 10) Employees utilizing treatment and rehabilitation programs will be expected to meet existing job performance standards, safety standards, and established work rules within the framework of existing agreements.
- 11) At all work sites, a reasonable request to provide a urine sample to determine the presence of alcohol, intoxicants or controlled substances (drugs) may be made under the following circumstances:
 - a. As a result of probable cause established by unacceptable work performance or work place behavior documented by the supervisor of the employee.
 - b. An on-the-job accident involving personal injury.
 - c. As a condition of filing a claim for compensation under the Workers Compensation Insurance benefits offered to all employees of the Board.
 - d. Monitoring of employees during a period of one (1) year following completion of a substance abuse rehabilitation program.

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- 12) Any employee who refuses a reasonable request by a manager or supervisor to be tested to determine the presence of alcohol, intoxicants, or controlled substances (drugs) will be considered insubordinate and will be terminated.

DRUG FREE WORK PLACE CONDITIONS AND PROCEDURES

Conditions

- 1) Employees of the NPAIHB or any contractor or outside vendor doing business with the Board shall not use, possess, dispense or receive alcohol, intoxicants or controlled substances (drugs) on the Board's premises or report to work under the influence of alcohol, intoxicants or controlled substances (drugs).
- 2) Any NPAIHB employee using a valid prescription drug while under a physician's care that could cause impairment in judgment, coordination or physical ability, will be required to report the use of such medication to the supervisor.
- 3) Alcohol and controlled substances (drugs) obtained without a valid prescription are prohibited from the NPAIHB offices as well as from all work assignments conducted off the premises. Law enforcement officials will be notified if illegal drugs are found either on work site property or on work assignments.
- 4) Any NPAIHB employee convicted of any drug offense that has an adverse affect on the Board or a negative influence on co-workers will be subject to disciplinary action that could result in termination.
- 5) As a condition of continuing employment, all NPAIHB employees engaging in abnormal or erratic behavior that has a negative impact on work performance such as excessive absenteeism, fighting, falling asleep while on duty, or displaying behavior that presents a danger to themselves or others, will be asked to submit to a urine test to determine the presence of alcohol, intoxicants or controlled substances (drugs). In the case of injury occurring on the job, employees will be asked, additionally, to submit to (a) a breath test to establish the state of impairment if a "reasonable basis" has been established regarding alcohol consumption or (b) a blood test when medical complications prevent a breath test from being conducted.
- 6) All employees of the NPAIHB who have successfully undergone treatment for substance abuse as part of a disciplinary requirement will be asked to submit to urine or breath tests on a periodic basis for one (1) year upon return to work.
- 7) Any employee of the NPAIHB who willfully contaminates urine samples submitted for the purpose of testing for the presence of alcohol, intoxicants or controlled substances (drugs) will be terminated.

Nothing in the Drug Free Work Place Conditions and Procedures is to be interpreted as constituting a waiver of management's responsibility to maintain discipline, or the right to take disciplinary action within the framework of existing agreements, in the case of misconduct that may result from alcohol, intoxicants or controlled substance (drug) abuse.

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SECTION G: HARASSMENT POLICY

Policy

The Northwest Portland Area Indian Health Board (the Board) is committed to courteous and considerate treatment of its employees. It is the intent of the Board that all employees work in an environment that is free from discrimination and/or harassment of any employee by another employee, supervisor, manager, contractor, customer, or other non-employee. All employees who witness, experience, or otherwise possess information on an incident of harassment are required to report it. All complaints that are brought to the attention of the Board Administration will be promptly and thoroughly investigated. If it is determined that harassment occurred, the Board will take immediate and appropriate corrective action to resolve the situation. There will be a training session on the Board's Harassment Policy at least once a year and every employee shall attend such training or its equivalent.

If an employee of the Board is the offender, corrective action will include appropriate disciplinary action up to and including dismissal of the offending employee and the assurance that:

- 1) The harassment will cease;
- 2) The harassment will not reoccur; and
- 3) There will be no retaliation as a result of the harassment being brought to the attention of the management or any supervisor at the Board.

This policy prohibits conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an offensive work environment and forbids harassment of any kind.

The Board strongly disapproves of harassment of its employees in any form, and maintains that all employees, at all levels of the Board, must avoid offensive and inappropriate behavior at work when on Board business, or when they are representing the Board in any way.

Harassment can be classified as one of two types:

1. Quid Pro Quo harassment is where submissions to the conduct is a term or condition for employment or is used as a basis for an employment decision.
2. Hostile work environment has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment. A claim could be based on but not limited to threatening, demeaning, hostile or offensive conduct. Generally a series of incidences is needed to create a hostile environment claim and the strength of the claim depends on the number and intensity of such incidents.

Sexual Harassment:

Sexual harassment is defined as the unwelcome sexual conduct that effects an individual's employment. An employee's conduct will be considered unwelcome and in violation of this section when the employee knows or should know it is unwelcome to the person subjected to the conduct. Non-exclusive examples of prohibited sexual harassment include unwelcome physical conduct (such as touching, blocking, staring, making sexual gestures, and making or displaying sexual drawings or

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photographs) and unwelcome verbal conduct (such as sexual propositions, slurs, insults, jokes, and other sexual comments).

Complaint Procedure

No employee is required to complain first to the person who is allegedly performing the harassing behavior. An employee may make a complaint about witnessing or experiencing harassing behavior to the supervisor of the alleged harasser, the employee's immediate supervisor, the Management Team or the Executive Director. If the complaint involves the Executive Director, the employee may report the incident to any member of the Board's Personnel Committee. Complaints are accepted either orally or in writing. When submitted orally, the notified individual or investigator should take the complaint down in writing and obtain the employee's verification that the prepared statement is correct.

The Board will promptly and thoroughly investigate complaints or reports of violation of this Section. A thorough investigation may take several weeks. An employee who has filed a complaint or a report pursuant to this Section may inquire, at any time, about the status of an investigation.

Anyone found to have filed a complaint/report of harassment, when such accusation is determined to be deliberately dishonest or in bad faith will be determined to have violated this Section.

The Board will take prompt disciplinary and remedial action if its investigation shows a violation of this Section. Appropriate disciplinary action will depend upon the circumstances and may include warnings, training, or termination.

The Board will protect the confidentiality of all complaints and reports of harassment to the extent possible and practicable.

No Retaliation

No reprisal, retaliation, or other adverse action will be taken against any employee for making a good faith complaint or report of harassment, or for assisting in a good faith investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Executive Director, or in the case of the Executive Director conducting retaliatory behavior, any member of the Board's Personnel Committee. All such reports will be investigated and any supervisor or other employee found to have retaliated against an employee for filing a good faith harassment complaint will be terminated.

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Section H: Tobacco Policy

Policy

Exposure to commercial tobacco creates a significant risk for the health of our community and future generations. Further, research has found that there is no threshold for safe exposure to secondhand smoke.

As of January 1, 2006, the Northwest Portland Area Indian Health Board shall be entirely smoke-free. All forms of commercial tobacco use will be strictly prohibited within company buildings, including but not limited to offices, hallways, waiting rooms, washrooms, lunch rooms, stairwells, elevators, meeting rooms and all enclosed facilities. Smoking is also prohibited in all doorways belonging to or rented by the Northwest Portland Area Indian Health Board. All company vehicles will also be designated smoke-free, including rental cars used for company business.

This policy is not intended to ban any traditional or sacred tobacco use, or to impact commercial tobacco use on personal property or in personal vehicles.

“No Smoking” signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette) shall be clearly, sufficiently, and conspicuously posted at every entrance to the building housing the Northwest Portland Area Indian Health Board.

DEFINITION: Commercial Tobacco Products: The use of commercially produced cigarettes, bidis, cigars, pipes, and other smoking tobacco are all subject to this policy. Because smokeless tobacco is just as addictive as cigarettes and causes cancer of the throat and mouth, all forms of smokeless tobacco are also restricted by this policy.

Support for Tobacco Cessation:

Because there are significant costs associated with employees who smoke, NPAIHB will reimburse current full-time staff members for the use of non-prescription tobacco-cessation drug therapies. This benefit is not to exceed \$100 per employee per year, and reimbursement must be accompanied with a signed quit-date contract (available from program managers) and receipts for non-prescription tobacco-cessation purchases, including nicotine gum, patches, or lozenges.

Because smokers are twice as likely to successfully quit tobacco if they receive counseling support in addition to pharmacotherapies, NPAIHB will allow quitting employees to engage in on-site community, intranet, or telephone-based counseling services during working hours. Employees may call NPAIHB's health plan or the national quitline number (1-800-QUITNOW), or access:

<http://www.kaiserpermanente.org>,

<http://www.smokefree.gov/>,

<http://www.quitnet.org>, or

<http://women.americanlegacy.org/>

for suggestions and information on tobacco cessation and/or to find resources for cessation counseling and support. To utilize this benefit, employees should discuss and agree upon convenient counseling times with their immediate supervisor, and sign a quit-date contract (available from program managers).

Likewise, NPAIHB encourages current quitters to attend tobacco-cessation counseling sessions with certified NPAIHB health plan clinical, A&D, or CD providers. In the first month of quitting, full-time staff members may take 2-hours of sick leave per week to attend tobacco-cessation counseling sessions with a

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certified medical provider. During the following four months of quitting, full-time staff members may take 2-hours of sick leave every two weeks to attend tobacco-cessation counseling sessions with a certified medical provider. To utilize this benefit, employees should discuss and agree upon convenient counseling times with their immediate supervisor, and sign a quit-date contract (available from program managers).

To support recent quitters and those attempting to quit, NPAIHB endorses the use of the employee lunchroom for on-site support group meetings before or after work.