






**NORTHWEST INDIAN COLLEGE**  
*X w l e m i E l h > T a l > N e x w S q u l*



# Personnel Policy Manual



	PERSONNEL POLICY MANUAL	POL#:601
Prepared By:	Preparer's Name/Title Linda Schnell, Human Resources Director	Date Prepared: 08/01/2016
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### 601.1 POLICY STATEMENT

It is the policy of the Board of Trustees that the College establishes and maintains updated personnel policies that clearly articulate the intentions of the Board relating to terms and conditions of employment at Northwest Indian College. In addition, the College's personnel policies also articulate to employees what they may reasonably expect from the College in promoting fair and equitable employment practices and supporting their success. The College's personnel policies also play an important role in providing guidance and direction to employees in the performance of their Job duties and responsibilities, as well as for supervisors in effectively managing the College workforce. The Personnel Policy Manual is not legally binding, nor does it create a contract of employment, neither expressed nor implied, nor does it guarantee any contractual rights between the College and its employees. Accordingly, the Manual does not in and of itself create any legal obligation.

### 601.2 PURPOSE

The purpose of the Personnel Policy Manual is to set forth policies that promote and support the achievement of the Northwest Indian College Mission and Institutional Outcomes. As a tribal college, NWIC's vision is to deliver an education that is grounded in tribal values and knowledge. The foundation of education at NWIC is that we can bridge between our traditional and historical experiences and knowledge and contemporary life.

The policies contained in this Manual are intended to recognize and promote tribal values and knowledge, as well as the Indigenous framework used to further the institution's educational goals. To this end, the College endeavors to provide personnel policies that are less institutionally rigid while at the same time comply with employment laws and regulations.

### **601.3 SCOPE**

The personnel policies contained in the Personnel Manual apply to all College employees, except as expressly stated in Manual.

### **601.4 BACKGROUND**

The College has developed and maintained a Personnel Policy Manual to outline terms and conditions of employment for a number of years. The last version was adopted and published in September 2007; however, there have been revisions adopted by the Board of Trustees since that time. This new and revised version of the Personnel Policy Manual reflects changes in terms and conditions resulting from changes in laws and regulations, as well as institutional practices.

### **601.5 RESPONSIBILITY**

The responsibility for the administration of the Personnel Policy Manual has been delegated to the President by the Board of Trustees. The President provides oversight to the Administrative Team of the College to ensure that all College employees are treated fairly and equitably, and that the provisions of the Personnel Policy Manual are consistently adhered to. The Human Resources Director provides consultation to the President/Administrative Team on personnel matters, and this position also has direct responsibilities for a number of provisions within the Manual.

### **601.6 DEFINITIONS**

Definitions of personnel terms are contained in the various provisions within the Manual.

### **601.7 RELATED INFORMATION**

Financial Manual

### **601.8 REVIEW DATE**

This policy will be reviewed every 3 years.

## **SUPPLEMENTAL POLICY INFORMATION**

### **Introduction**

Northwest Indian College ("NWIC") serves the Lummi people, the Lummi community, and the Indigenous people of the Pacific Northwest. The College was created in an act of sovereignty to fulfill the vision of the Lummi ancestors to create a place of higher education for the Lummi people. The purpose of the policies laid out in this Manual is to create a safe, positive and productive work environment in which employees are empowered to contribute to the College's mission, while respecting the rights of both employer and employee.

### **NWIC Mission**

The mission of Northwest Indian College is, "Through education, Northwest Indian College promotes indigenous self-determination and knowledge." Drawing upon the knowledge of our ancestors and of living relatives, Northwest Indian College teaches students how to live well and in culturally necessary ways in today's society. Northwest Indian College seeks to restore and rebuild our tribal communities and families.

### **Core Beliefs, Values and Themes**

The mission of the College is first and foremost rooted in a set of core beliefs and values of the Coast Salish people. The foundation of these core values and beliefs are based on the vision of the ancestors and are contained within the language of the traditional Coast Salish people. These values and beliefs, which were formally approved by the NWIC Board of Trustees in 2004, include the following:

- Sela-lex<sup>w</sup>: Our strength comes from the old people. From them we receive our teachings and knowledge and the advice we need for our daily lives.
- Schtengex<sup>w</sup>en: We are responsible to protect our territory. This means we take care of our land and water and everything that it on it and in it.
- Xwlemi-chosen: Our culture is our language. We should strengthen and maintain our language.
- Leng-e-sot: We take care of ourselves, watch out for ourselves and love and take care of one another.

These core beliefs and values, as well as the College's educational philosophy and purpose, provide the framework for the development and periodic review of the College's mission and core themes, which are:

- Core Theme One: Engage Indigenous Knowledge (increase access to cultural knowledge through implementation of the Native Studies Leadership degree program and foundational courses).
- Core Theme Two: Commitment to Student Success (development and publication of student outcomes at the course, program, and institutional level).
- Core Theme Three: Access to Higher Education Opportunities at All Levels for Tribal Communities (streamline pathways for program of study students in academic, community, or workforce education services utilizing distance education modalities and site-based programming at extended site campuses).
- Core Theme Four: Advance Place-based Community Education and Outreach (develop capacity to implement the land grant mission by providing place-based education, research, and outreach through programming).

# PERSONNEL POLICY MANUAL

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## **SECTION 1- PERSONNEL POLICY MANUAL AND PERSONNEL POLICY COMMITTEE**

### **1.1 Employee Access to Personnel Policy Manual**

Regular employees will be informed at the time of hire where they may obtain a copy of the Personnel Policy Manual.

The Human Resources Director is responsible for the custody, maintenance, revision and distribution of the Manual.

### **1.2 Personnel Policy Committee**

A Personnel Policy Committee, which is chaired by the Human Resources Director, is responsible for the recommendation of modifications to the Manual, including additions, changes and deletions, to the College's Administrative Team. The President will recommend revisions to the Board of Trustees for adoption. The committee is considered a standing committee with regular membership. The committee will meet monthly. Membership on the committee will include representatives from each type of classification of employees, selected by the Administrative Team (administrative, exempt, faculty and classified staff, as well as a representative from the Administrative Team). Ad hoc representatives from Human Resources and Payroll, in addition to the director, will also attend meetings and provide technical support to the committee as needed.

### **1.3 Modifications to Personnel Policy Manual**

Upon adoption and when modified by the Board of Trustees, all employees will be notified of changes made to the Personnel Policy Manual, including the date upon which the policy change will be in effect. Employee notification may also include an orientation on the reasons for the changes and instructions on how to ensure compliance. Supervisors will receive training, as appropriate, on how to properly administer personnel policies in their departments. The Human Resources Department will maintain an electronic record of changes to the manual and make such record available to NWIC employees.

## **SECTION 2 - CODE OF CONDUCT**

### **2.1 Adherence to Code of Conduct**

At Northwest Indian College, all administrative and exempt employees, faculty, and classified staff are responsible for sustaining the highest ethical standards of the institution, and of the broader Native community in which we function. The College values integrity, honesty and fairness and strives to integrate these values into its teaching, research and business practices.

The College is committed to upholding the ethical, professional and legal standards we use as the basis of its decisions and actions. These standards include compliance with the policies, standards, laws and regulations that guide our work. All of us are individually accountable for our own actions and, as members of the NWIC community, are collectively accountable for upholding these standards.

This Section will apply to individuals who are paid by Northwest Indian College when they are working for the College, including all classifications of employees.

Adherence to this Code will include being responsible for reporting suspected violations of applicable standards, policies, laws or regulations. Raising such concerns is a service to the College and does not jeopardize one's position or employment. Confirmed violations will result in appropriate progressive discipline up to and including discharge from employment. In some circumstances, civil and criminal charges and penalties may apply.

Employees of Northwest Indian College have a responsibility to ensure that they are familiar with this Code of Conduct Section, understand its application to their conduct, and adhere to its principles. Employees should also be familiar with other sources of information that will assist them in making informed decisions, which include laws, policies and agreements that are relevant to their work.

### **2.2 Definitions**

The following definitions are intended to provide guidance in the interpretation of the Code of Ethics:

1. Acceptance — Favorable reception (of persons, things or ideas); approval; assent, belief.
2. Aspiration — Desire for high achievement or the realization of an ideal.
3. College Officials — President, Vice President, or Dean level.
4. Collude — Have secret agreement. Conspire, plot, connive; act together in secret.
5. Competence — Power, ability, capacity (to do, for a task, etc.); legal authority, qualification or admissibility.
6. Condone — Forgive or overlook.
7. Equality — Condition of having the same rights, rank, power, etc. with others.

8. Ethic — A set of moral principles (the moral principles by which any particular person is guided; the rules of conduct recognized in a particular profession or area of human life).
9. Fairness — Honesty, impartiality, justice.
10. Fiduciary — Relating to or involving something held in trust.
11. Honesty — With upright conduct; without fraud, by honest means; sincerely, fairly, openly.
12. Honor— High respect, reverence, reputation, good name.
13. Integrity Soundness of moral principle; the character of uncorrupted virtue; uprightness, honesty sincerity.
14. Intimacy — Close personal friendship or other personal relationship; familiar, close.
15. Law— A rule of conduct imposed by a secular or higher authority.
16. Licensure —The granting of licenses especially to practice a profession.
17. Persecute -- To harass in a way that causes suffering; oppression.
18. Personal — Pertaining to, concerning, or affecting a person as an individual (rather than as a member of a group or of the public).
19. Policy — A course of action or principle adopted or proposed by a government, party, individual, etc.; any course of action adopted as advantageous or expedient.
20. Principle — A fundamental truth or proposition on which others depend; a general statement forming the basis of a system of belief, etc.; chain of reasoning.
21. Privacy — Freedom from unauthorized intrusion.
22. Prescribe — 1. Lie down as a rule or guide; order; direct; 2. Order as a remedy or treatment.
23. Profession —A vocation, a calling, one requiring advance knowledge or training in some branch of learning or science.
24. Professional Contact — An employee who has power over student outcomes.
25. Proscribe — Prohibit, as wrong or dangerous; condemn.
26. Professionalism —The body of qualities or features, as competence, skill, etc.; characteristics of a profession or professional.

27. Reasonable Person Standard — Whether or not a reasonable person in roughly the same position would come to the same conclusion.
28. Respect — Deferential esteem felt or shown towards a person, thing, or quality; a feeling of deferential esteem; the state of being esteemed or honored.
29. Trust — Faith or confident in the loyalty, strength, veracity, etc., of a person or thing; reliance on the truth of a statement, etc., without examination.

### **2.3 Confidentiality and Privacy**

College employees receive and generate on behalf of the College various types of confidential, proprietary and private information. It is imperative that employees comply with all federal laws and College policies pertaining to the use, protection and disclosure of such information, and such policies apply even after the employee's employment relationship with the College ends.

Information on the College's specific privacy laws, such as the Family Educational Rights and Privacy Act (FERPA-Student records) and the Health Insurance Portability and Accountability Act (HIPAA-personal health information) may be obtained from the appropriate College department.

### **2.4 Conflict of Interest**

Employees owe their primary professional allegiance to the College and its mission to engage in the highest level of education, research and scholarship. Outside professional activities, private financial interests or the receipt of benefits from third parties can cause an actual or perceived divergence between the College mission and an individual's private interests. In order to protect our primary mission, community members with other professional or financial interests are expected to disclose them to the College.

### **2.5 Use of College Resources**

College resources must be reserved for business purposes on behalf of the College. They may not be used for personal gain, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the employee's duties. College resources include, but are not limited to, the use of College systems (e.g., telephone systems, data communication and networking services) and the College domain for electronic communication forms; the use of College equipment (e.g., computers and peripherals, College vehicles); the use of procurement tools such as purchasing cards and petty cash; and, the time and effort of staff and others at the College.

### **2.6 Reporting Suspected Violations**

#### Reporting to Management

Employees are expected to report suspected violations of applicable laws, regulations, contract and grant requirements and/or this Code. This reporting should normally be made beginning with the supervisor. If for any reason it is not appropriate to report suspected violations to the supervisor, e.g., the suspected

violation is by the supervisor, individuals may go to a higher level of management within their office or department.

### Other Reporting

All violations of laws or regulations should be reported to the Human Resources Director. Such reports may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. Raising such concerns is a service to the College and does not in itself jeopardize employment.

All employees are expected to cooperate fully in the investigation of any misconduct.

## **2.7 Principles and Application Examples**

The following principles and application examples are intended to provide guidance in the interpretation of the Code of Conduct:

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Principle: INTEGRITY	APPLICATION EXAMPLES
Employees must act with integrity in their relationships. They must cooperate and treat others with respect, honesty and fairness. They must accept the rights of others to hold values and beliefs that differ from their own.	<ul style="list-style-type: none"><li>• Visitors of the College must be treated courteously and provided with helpful and accurate information.</li><li>• Colleagues should remain polite, professional behavior. Shunning, ostracizing and gossip constitute unprofessional behavior.</li></ul>
Employees must maintain NWIC's Code of Conduct when engaged in any college-related activity. Personal standards and conduct are private matters; however, when employees act as representatives of the College, they must conduct themselves according to the Code.	The NWIC “Code of Conduct for Employees” applies to representatives of the College in college-sponsored activities (e.g., NWIC Foundation events, sports, tournaments, field trips, conferences, and during travel).
Employees must avoid the impression of speaking or acting on behalf of the College or any College when they speak or act as a private person.	<ul style="list-style-type: none"><li>• Employees participating in a political or partisan demonstration must not promote themselves as representatives of the College.</li><li>• When promoting a private business, an employee must not use the name of the College to enhance credibility.</li><li>• Employees must not use college letterhead other than as part of their assigned college duty. Letterhead must be used only for College business.</li></ul>

Employees must not condone or participate in breaches of the Code.

If a person has reason to believe that an employee of the College is not acting in accordance

- Raise the concern directly with the employee, or
- Ask a third party to raise the concern directly with the employee, or
- Raise the concern with the employee's supervisor(s), or appropriate college official.

Any serious concerns about an employee's ethical behavior must be addressed through relevant college policies, such as the employee's employment contract, or the Personnel Policy Manual.

Relevant college policies to consider but are not limited to:

- Human Rights, Indian Preference, Equal Opportunity
  - Employee Rights and Responsibilities
  - Discrimination
  - Sexual Harassment
  - Conflict of Interest
  - Nepotism
  - Use of Alcohol or Controlled Substances
  - Appropriate and Responsible Use of Educational Information Technology
  - Separation from Employment
  - Outside Employment
  - Grievance Procedure
  - College Catalog
  - Faculty Handbook
-



Principle: COMPETENCE

Employees must provide services within the boundaries of their competence, based on their education, training, experience, ongoing professional development and licensure.

Employees must accurately represent their qualifications, educational backgrounds, experience and professional credentials.

APPLICATION EXAMPLES

- An employee must only provide counseling (personal or academic) to students when such counseling is within their expertise.
- Employees must refer students to appropriate college resources (e.g., Counseling Services, Financial Aid, Instructional Services, Security, and Administrative Services).
- Employees are expected to maintain currency in their field through continuing education and professional development opportunities or participation in college-sponsored training opportunities.
- An employee's job application and resume must be accurate and not contain misleading information.
- If instructors are guest lecturers on a one-time basis, they must not give the impression that they were employed at the institution.

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Principle: EQUALITY AND ACCEPTANCE

Employees must allow others to hold fundamental beliefs and differing opinions and protect fundamental human rights prescribed by law.

Employees must act to prevent intimidation, exclusion, harassment, favoritism, and discrimination.

APPLICATION EXAMPLES

Employees must respect that the opinions and ideas of students and other employees may differ from their own.

- Employees must not ignore discrimination in situations where a reasonable person would believe there is an inequity.
- An employee may engage in social activities with a class but not restrict social activities to an individual or select group of students.
- Employees must not collude or conspire against other employees or students.
- Employees must make a reasonable effort to create an inclusive environment for all colleagues and students.
- Employees must not persecute, verbally assault or demean another employee, thereby creating a hostile work environment.

## Principle: HONOR AND TRUST

Employees must take into consideration the potential harm that social or other non-professional contacts and relationships with student, clients, and other employees could have on their objective judgment and professional performance.

Employees sometimes are in inherently unequal relationships with students or colleagues, creating the potential for abuse of power.

## APPLICATION EXAMPLES

- An employee who has a personal relationship with a student must inform his/her supervisor and discuss any potential conflict of interest that may arise. For example, an instructor's neighbor, relative, friend, or significant other in the class.
- Instructors must not date students who are currently enrolled in their courses. Instructors hold a fiduciary relationship with their students. This means that instructors, by the nature of their profession, are given powers to instruct students and pass professional judgment on student performance. These powers are given to the instructor in the trust that instructors interact with students only within the boundaries of professional duty. It is considered a breach of trust for an instructor to interact with students outside the boundaries of professional duty.
- Counselors and advisors must not date students whom they counsel or advise.
- An employee must not date or form an intimate relationship with a student with whom they have a professional contact in the course of their duties.
- Should an intimate relationship develop between employees in a reporting relationship, the employee must inform the next level of supervisor(s) and discuss any potential conflict of interest.
- Employees must not commence intimate relationships or engage in sexual activities with students, if it would lead a reasonable person to conclude an abuse of power exists or might exist.
- Employees and their colleagues must not engage in sexual activities it would lead a reasonable person to conclude an abuse of power exists or might exist.

Employees must not allow their private interests, whether personal, financial or of any sort, to conflict or appear to conflict with their professional duties and responsibilities. Employees must avoid any conduct that would lead a reasonable person to conclude that the individual might be biased or motivated by personal gain or private interest in the performance of duties. All known or potential conflicts of interest must be disclosed in accordance with college policy.

- Employees must not financially contract or recruit business for services outside the College with individuals who would normally be able to receive the same service free from the College.
- Employees must not rent accommodations, rent equipment or charge any sort of fee to or from their current students, without prior notification and approval from college officials.
- An instructor must not provide shelter for a student from the College, if that student will be attending classes taught by the instructor.
- Employees must not use sick time to free themselves for employment elsewhere.
- Employees should consider the impact on the College of selling to the College's competitors any curriculum and teaching material for which the employee holds the copyright.

Employees must not take credit for others' ideas or work, even in cases where the work has not been explicitly protected by copyright or patent.

When an employee uses or reports an innovation or idea from a fellow employee, they must give credit to the originator.

Employees are expected to conduct themselves respectfully when handling sensitive cultural information being shared by the tribal hosts of the College.

Employees are to be considerate of the spiritual and cultural information being used or shared in the classroom or in research. This includes confidentiality, spreading of information, profiting from historical information or any unauthorized infringement on the employee, family, or community.

Principle: PRIVACY

Employees must respect the privacy and confidentiality rights of others with whom they work. Confidential information must be used only for the purposes for which it was originally provided, and shared only with authorized parties, on a need-to-know basis, unless consent is given or required by law.

Employees must obtain authorization or permission before using or accessing another person's work area.

APPLICATION EXAMPLES

- Instructors must not discuss confidential student information with another student.
  - An instructor must only share a student's work with the class when the student has given permission.
  - Employees must only discuss the health or conduct of a student or colleague with their permission, or on a need-to-know basis.
  - Employees must not access another employee's space, desk, or materials or other work-related matters without asking permission of the individual, or in their absence, the appropriate college official.
  - Employees must not access a colleague's personal email or computer files without their permission and knowledge and then only if the reasons for access can be reasonably justified.
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## **SECTION 3 - EMPLOYEE RESPONSIBILITIES**

### **3.1 Professional Behavior and Conduct Standards for NWIC Employees**

Every employee of Northwest Indian College has the right to work in a fair, collaborative, inclusive and respectful workplace. In order to promote and sustain a workplace where all employees are treated with respect and dignity, regardless of their status or position or the nature or extent of their contributions, each employee is expected to abide by these values and standards of interpersonal behavior, communication, professionalism. Further, the College promotes a workplace that embodies the characteristics of accountability, responsibility, honesty, respect, and fairness.

As a tribal college, Northwest Indian College expects all employees to embrace and accept cultural differences and promote the College's core beliefs and Indigenous cultural values.

The expectations outlined below encompass many aspects of professional behavior and integrity, but they are not intended to be an exhaustive list. Employees are expected to act professionally, ethically, responsibly, honestly, respectfully, and promote fairness in all areas of their academic, professional, and personal lives.

#### Examples of Respectful Behavior

All employees of Northwest Indian College are:

1. Respected and valued for their contributions, regardless of their status or role in the institution.
2. Treated with respect, courtesy, tolerance, consideration, and a rational approach to conflict.
3. Expected to maintain a professional demeanor in all situations and commit to personal development to communicate and behave appropriately at work.
4. Expected to work honestly, effectively and collegially with co-workers and others.
5. Expected to have an open and cooperative approach and embrace individual differences.
6. Expected to recognize that differing social and cultural standards may mean that behavior is acceptable to some may be perceived as unacceptable or unreasonable to others.

#### Responsibilities for Maintaining a Respectful Workplace

All employees are responsible for behaving consistent with these standards and refraining from disrespectful behaviors that violate College policy. All employees are also responsible for:

1. Recognizing when they or others are subjected to disrespectful behavior.

2. Addressing the behavior directly with the person engaging in disrespectful or abusive conduct.
3. Bringing the situation to the attention of a supervisor or the next person in the chain of command (if a supervisor is the issue) for prompt resolution.
4. Making a complaint.

Supervisors, in addition to their personal responsibilities as employees, are responsible for:

1. Encouraging the reporting of instances of disrespectful behavior.
2. Immediately addressing all disrespectful behavior once reported or observed.
3. Taking the situation seriously and promptly investigating the extent and nature of the problem.

Vice Presidents, Deans and Department Chairs, in addition to their personal responsibilities as employees, are responsible for bearing the primary responsibility for maintaining a workplace free from disrespectful behavior, and they are expected to act on this responsibility whenever necessary.

Human Resources is responsible for:

1. Providing a system for receiving, addressing, and resolving complaints.
2. Providing training for employees in interpersonal communication skills, problem solving, resolving conflict, and resources available to address difficult situations.
3. Conducting periodic surveys of employees to continuously evaluate the effectiveness of and compliance with these standards.
4. Encouraging the recognition of employees who demonstrate outstanding commitment to a respectful workplace.

### **3.2 Expectations of NWIC Employees**

All College employees, regardless of classification, are expected to adhere to the following expectations during the course of their employment:

1. Promoting the College's Mission

Employees are representatives of the College while in the workplace or on College business. Therefore, employees are expected to conduct himself/herself in accordance with the mission of the College.

2. Adhering to the Code of Conduct

Employees are expected to possess a strong work ethic in completing all job assignments and projects, following personnel policies, and acting in accordance with the Code of Conduct.

3. Providing Truthful Background Information

Information presented in an applicant's application for employment and related materials is to be accurate and correct. The applicant's signature on their employment application is verification that all information is truthful. After an applicant becomes an employee, any information verified as false may be cause for immediate discharge in accordance with Section 14.

4. Performing Job Duties & Responsibilities

Employees are provided a job description upon hire that outlines the duties and responsibilities the employee is expected to competently perform. Duties and responsibilities may include "other duties as assigned," which will generally be at the same skill level.

5. Making Necessary Performance Improvements

Employees are expected to make a conscientious effort to improve their job performance as outlined by their supervisor in a performance evaluation. If there is a performance deficiency which requires improvement, the supervisor is expected to recommend adequate steps to correct the deficiency, subject to available funding. The employee is responsible for satisfactorily completing identified actions within a reasonable time frame as determined by their supervisor.

6. Maintaining Acceptable Attendance

Regular attendance by employees is a requirement of continued employment with the College. Employees are expected to be at work regularly with the exception of approved annual leave/non-contract days. Employees are expected to report illnesses and request a day off no later than thirty (30) minutes before the scheduled start of their regular work shift or on the first day of illness to their immediate supervisor, or to Human Resources if the employee's supervisor is not available. Poor attendance and/or tardiness, including excessive use or abuse, may lead to progressive discipline.

7. Following Leave Guidelines

Employees are expected to follow leave guidelines in requesting, taking and reporting accrued leave/non-contract days. Violations of leave guidelines may result in progressive discipline. Additionally, if an employee does not call in to report an absence for a period of three (3) consecutive days to his/her supervisor or Human Resources, it will be considered job abandonment and may result in discharge from employment.

## 8. Responding to the Media

Employees are not permitted to speak to any media organization on matters concerning the College without requesting and receiving approval from the President.

## 9. Adhering to Dress Code

The College has a reasonable expectation that all employees maintain a professional and appropriate public appearance while performing their job duties, as outlined below:

- a. Office staff and professionals (administrative, exempt, faculty members, and classified staff) are expected to dress in a professional manner. Employees are expected to wear professional clothing (business or business casual) which generally excludes torn or frayed jeans, sweat clothing and t-shirts with sayings and pictures on them. Employees may wear appropriate denim when combined with appropriate shirts and/or jackets. Provocative clothing is not to be worn at any time.
- b. Logo items such as t-shirts are permitted for appropriate occasions such as events like student activities. Polo shirts with logos in the pocket area are permitted as part of business wear. Appropriate seasonal clothing is permitted during spring and summer which may include shorts and capris.
- c. Supervisors are responsible for ensuring that employees dress appropriately for the work environment. Supervisors may make exceptions for special occasions. An employee unsure of what is appropriate dress should check with their supervisor. Employees who do not meet a professional standard in their personal appearance may be sent home to change and will be required to use accrued leave to do so.
- d. Maintenance personnel are exempt from the dress code and are expected to dress appropriately for their job duties.

## 10. Maintaining an Orderly Office Appearance

Offices and work areas, including classrooms, are to be kept clean and uncluttered. Pictures should be framed or nicely displayed and all items should be relevant to the employee's work environment, and generally should not include cartoons or inappropriate items for the public's view. Supervisors are expected to periodically monitor office space to ensure that they are well maintained and present a professional appearance. Employees will be notified if an office area requires cleaning.

## 11. Using College Equipment and Supplies

Employees may use College equipment and supplies for work purposes only, such as but not limited to, computer, photocopier, paper, telephones, etc. Employees are prohibited from taking any equipment off College property unless authorized by a College official. The return of



items issued to an employee is the responsibility of the employee. In the event College property is not returned promptly by an employee upon request of his/her supervisor, he/she will be subject to progressive discipline, up to and including discharge, and may be required to provide restitution to the College at its discretion.

#### 12. Using Computer Equipment Properly

Computers and computer systems, Internet, files, e-mail system, and software furnished to employees are to be used for business use only during working hours, excluding meal periods and/or rest breaks. Employees should not use passwords, access files, or retrieve any stored communications other than their own without the proper authorization to do so. The College prohibits the use of computers and the e-mail system in ways that are distracting, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons are not allowed. Other such misuse includes, but is not limited to, chain e-mails, ethnic slurs, racial comments, off-color jokes, or any other communications contained in or attached to, that may be construed as harassment or showing disrespect for others. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters. Employees who improperly use College equipment may be subject to progressive discipline, up to and including discharge.

#### 13. Maintaining Confidentiality

Employees, in the course of their job duties, may learn or have access to information which should be kept confidential and not discussed or disclosed. This includes sensitive information about individuals working at the College, controversial information, information maintained in student records, financial matters and information contained in employee personnel files. Employees who violate confidentiality may be subject to progressive discipline, up to and including discharge.

#### 14. Allowing Children in the Workplace

Employees are expected to maintain a professional atmosphere when working at the College. On occasion, a situation may arise where a child is brought to work because of circumstances that are beyond the control of the parent/caregiver. Supervision of the child is the responsibility of the parent/caregiver.

- a. Under no circumstances are children to be in the workplace for over four (4) hours at any given time.
- b. A child in the workplace may be acceptable for a short period of time, not to exceed the four (4) hour limit, until other arrangements are made. However, the supervisor is to be notified and the employee will need to receive prior approval. Due to liability exposure, children will not be allowed in college vehicles at any time.
- c. Nursing mothers are permitted to arrange with their supervisor a proposed schedule for breast pumping and/or feeding during work hours. The employee is expected to find a

private place, such as an empty office or a conference room for the amount of time needed. Employees may use their meal periods and/or rest breaks for this purpose.

#### 15. Prohibiting Pets in the Workplace

Employees may not bring their pets into facilities, classrooms or offices at any time, except for educational purposes, as authorized by the faculty member, and Service Animals defined in Section 12.

#### 16. Use of Social Media

The College recognizes an appropriate and healthy work and personal life balance and, therefore, will not impinge on the personal rights of employees when not at work, including the use of social media (any form of electronic communication using internet forums, social blogs, wikis, microblogging, e.g., Twitter, social networks and/or Facebook) to communicate with others. As such, the College will not engage in browsing (or any other form of monitoring) of employee's use of personal social media during off work hours. However, employees should be conscious of what information they display on social media websites during non-work hours relating to the College and employees who work at the College (this will include both personal websites as well as the College's use of social networks). In the event the College receives a report that an employee has commented on and/or posted on social media content that is considered as reckless (e.g., without caution or careless), malicious (e.g., intentionally harmful) or involves defamatory (e.g., damaging someone's reputation or slanderous) content pertaining to the College or a College employee, the College will properly investigate and take appropriate action.

### **3.3 Employee Complaints and Investigatory Process**

The College supports and promotes a respectful work environment for all employees. If concerns arise, employees are encouraged to work with their supervisor and Human Resources according to the Complaint Process outlined in #1 below. Investigations pertaining to allegations of inappropriate conduct by a College employee will be conducted according to the process outlined in #2 below.

#### 1. Employee Complaint Process

Complaints filed by College employees that do not involve those issues covered by the Grievance Procedure outlined in Section 14 shall be handled as follows:

##### Step 1:

- a. If a concern is related to the scope of the employee's job duties or an incident at work, an employee is expected to document the complaint in writing and speak to his or her supervisor about the complaint. The supervisor has within seven (7) working days to meet with the employee and respond in writing to the employee's complaint. If the supervisor

does not resolve the employee's complaint satisfactorily, the employee should address the complaint to the next level of supervision within the office or department.

- b. If the written complaint is related to an office or department, the employee should direct the complaint to the appropriate administrator over that office or department. The administrator has within seven (7) working days from receiving the complaint to meet with the employee and respond in writing. If the administrator does not resolve the employee's complaint satisfactorily, the employee should address the concern to the appropriate dean or administrator level. The dean or administrator have within seven (7) working days from receiving the written complaint to meet with the employee and respond in writing to the employee's complaint.

### Step 2:

If the employee is not able to resolve the written complaint at the supervisory, dean, or administrator level, the employee may pursue the written complaint further, as follows.

- a. The employee will submit the written complaint to the appropriate vice president's office. The Vice President will contact the employee directly within five (5) working days to verify receipt of the written complaint.
  - b. The employee may be asked to provide additional information about the specific nature of the complaint and to discuss possible solutions with the vice president. In most situations, the Vice President will contact the employee's supervisor, dean or administrator to obtain more information about the situation. When applicable, the Vice President may consult with the Human Resources Director regarding pertinent college policy, and relevant laws.
5. After completing fact finding, the vice president will share information with all involved parties to identify possible solutions. In certain situations the vice president may set up a meeting to explore options and work toward an acceptable outcome for all involved parties.
  6. The employee will receive a decision in writing within ten (10) working days of the conclusion of the fact finding process.

### Step 3:

If the employee's written complaint is not resolved at Step 1 or Step 2, the employee may submit a written request for a review to the President's Office. The steps are outlined below:

- a. The employee submits the request in writing to the President's Office within ten (10) working days of receiving notice of the decision at Step 2.
- b. The President or designee will review the written complaint and all relevant documents and determine if further investigation is needed. If the President or designee determines that

further investigation is not needed, the employee will be notified in writing within ten (10) working days of receipt of the request for review.

- c. If the President or designee determines that further investigation is needed, a review of the complaint will be completed within ten (10) working days of the receipt of the request for review. A written notice of the final decision will be provided to the employee, which may include the findings, conclusions and information about further appeal processes, as applicable.

Complaints filed by College administrators in writing will be handled by the President or designee, and are to be submitted in writing to the President directly at Step 3. Timelines in addressing such complaints will be agreed upon between the administrator and the President.

Complaints involving alleged employment discrimination, harassment and/or retaliation, as well as whistleblower protections, are to be submitted in writing to the Human Resources Director. The Human Resources Director will be responsible for investigating such complaints under the direction of the President and reporting any actions to be taken to appropriate College administrators, as appropriate. The Human Resources Director will respond in writing to such employee complaints within ten (10) working days of the completion of the investigation and findings submitted to the President.

## 2. Investigatory Process and Administrative Leave

In the event an incident is reported and/or observed by a NWIC supervisor or employee that warrants further investigation, to include but not be limited to, the offenses outlined in Section 14, the College will initiate an appropriate investigation. An employee may be placed on paid Administrative Leave when they are being investigated for conduct that is related to the nature of their job or the mission of their department or the College, and/or when their conduct or other circumstances indicate that their continued presence in the workplace:

- a. May impair the ability of their department to properly and/or safely conduct business.
- b. May be harmful to the employee, other employees or others present at the employee's worksite.
- c. May hamper an internal investigation into alleged misconduct by the employee.
- d. May hamper an investigation conducted by law enforcement.
- e. May be appropriate in relation to the employer's duties to the public or other employees.

The determination whether administrative leave will be with or without pay will be made by the appropriate vice president in consultation with the Human Resources Director. Such determinations will be made on a case-by-case basis considering the circumstances surrounding the employee's

placement on administrative leave. If there is reliable documentation (for example, but not limited to, police reports, judicial documents or written first-hand accounts) that the employee has engaged in conduct that affects his/her ability or fitness to perform his/her job duties or carry out the mission of his/her department, he/she will be placed on administrative leave without pay. If the documentation is of a less reliable nature or further investigation is needed, the employee will be placed on administrative leave with pay. However, this same employee may be placed on unpaid administrative leave at such time as the investigation under way warrants such change in pay status. As an alternative to administrative leave, a supervisor may, in consultation with the Human Resources Director, temporarily change an employee's duties to allow the employee to continue working until final resolution of the circumstances resulting in consideration of administrative leave. Employees who are on administrative leave will continue to have their health benefits and leave accruals in place during the duration of the administrative leave.

## **SECTION 4 - DISCRIMINATION AND HARASSMENT**

### **4.1 Non-Discrimination and Harassment**

The College will not discriminate against any individual based on sensory, physical or mental disabilities, age, sex/gender, race, national origin, religion, or marital status; except as provided by the Indian Preference Act (Title 25, U. S. Code, Section 273) as described in Section 6.

Employees are expected to treat each other with respect. Harassment or abusive treatment of any employee for any reason will not be tolerated. Verbal or physical conduct which is identified as harassment, intimidation, and/or creating a hostile work environment is against federal law and is a violation of college policy. Employees who feel threatened or intimidated by students, faculty or coworkers at the College are expected to report such behavior to the Human Resources Director for appropriate action.

### **4.2 Sexual Harassment**

The College, as an employer, will:

1. Provide College employees a work environment free from sexual harassment.
2. Communicate the College's sexual harassment prevention policy and reporting procedures to supervisors and employees.
3. Recognize the sensitive nature of complaints of sexual harassment, encourage early reporting by employees, and resolve complaints promptly, confidentially, and at the lowest level possible.
4. Prohibit retaliation against any employee because he/she has reported alleged sexual harassment, or against any employee who has testified, assisted, or participated in any manner in an investigation of alleged sexual harassment.

The College will not intrude upon the personal lives of employees or interfere with social relationships, except where it is relevant to employment at the College. Sexual harassment, however, is unacceptable behavior when carrying out the business of the College and will not be condoned or tolerated at any time.

### **4.3 Definition of Sexual Harassment**

Definitions of terms that relate to sexual harassment include the following:

1. "Sexual Harassment" as defined by federal law prohibits sex discrimination. The law defines sexual harassment as any "unwelcome conduct or communication of a sexual nature (harassment) that is a term, condition, or privilege of the person's employment."

2. "Quid pro quo" sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, or verbal or physical contact of a sexual nature when submission to the conduct is either explicitly or implicitly made a condition of employment; or submission to or rejection of the conduct is used as the basis for an employment decision." Such harassment forces one to choose between submitting to sexual advances and losing work opportunities and benefits.
3. A "hostile work environment" is defined as "verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work or performance, or creating an intimidating, hostile, or offensive working environment." Incidents such as repeated sexual or derogatory jokes and remarks, offensive physical contact, and/or solicitation of sexual favors may be viewed as sexual harassment under this standard.

#### **4.4 Reporting of Alleged Harassment**

Employees are responsible for reporting incidents of alleged harassment to the Human Resources Director as soon as possible after an incident occurs, and providing a written statement that outlines the incident so the matter may be properly investigated.

All incidents of harassment must be investigated promptly and in an impartial confidential manner. Supervisors are responsible for maintaining a workplace free of any form of harassment. A supervisor is expected to not ignore or tolerate any harassment incident and to report all complaints of harassment promptly to the Human Resources Director for investigation. The Human Resources Director will conduct an appropriate and timely investigation and issue his/her findings to the appropriate Vice President.

The Human Resources Director will report all incidents of alleged sexual harassment to the President. The Human Resources Director will provide a written response on behalf of the College outlining any formal action to be taken as a result of the allegation, including but not limited to implementing appropriate progressive discipline, up to and including discharge.

#### **4.5 Whistleblower Protection**

A "whistleblower" is defined as an employee who reports an activity he/she considers to be illegal, dishonest, unethical, or otherwise improper. Examples of such an activity include violations of federal or tribal laws; billing for services not performed or for goods not delivered; intentional filing of false financial reports; questionable employment practices; and/or unsafe conditions or child neglect. The employee (whistleblower) is expected to exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to progressive discipline, up to and including termination.

The employee is not responsible for investigating the activity or for determining fault or corrective measures; the College will investigate such reports and take appropriate action. If an employee has knowledge of or a concern about an activity outlined above, the employee is to contact his/her immediate supervisor, dean, vice president, or the Human Resources Director. The Human Resources Director will investigate whistleblower complaints and report any findings to the Vice President and President. Employees who file whistleblower complaints are protected by confidentiality, to the

greatest extent possible, and against retaliation. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a whistleblower protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

The President will be directly involved in serious whistleblower allegations or those involving College administrators. Investigations into such allegations shall be conducted at the direction of the President, which may warrant investigation by independent persons such as auditors and/or attorneys. The President will share findings and actions taken with the Board of Trustees.



## **SECTION 5 - PERSONNEL**

### **5.1 Employment Status and Classifications of Positions**

Permanent employment status is achieved upon satisfactory completion of a ninety- (90) day probationary period, consisting of uninterrupted employment and satisfactory performance.

Classifications of all positions at the College are defined in this Section. The status of positions includes permanent full-time, part-time, temporary and student workers.

### **5.2 Classified Staff**

Classified staff serve the College by performing duties and responsibilities for a specific program, administrator(s) or faculty member(s) to achieve the goals of a department, a grant, or both. Duties performed by classified staff are diverse and may require multiple skills. Examples of Classified staff positions include, but are not limited to, clerical, program support, maintenance and custodial staff, library technicians, instructional aid/ technicians, and assistant teachers.

### **5.3 Administrative Employees**

Administrative employees serve the College in positions designated on the Administrative Salary Schedule, such as but not limited to a vice president, dean, director, coordinator or manager of one of the offices or departments of the College. An administrative employee's employment contract for the fiscal year may be renewed at the end of the fiscal year for the next fiscal year, based on satisfactory performance as stipulated in Section 7 and continuation of funding.

### **5.4 Exempt Employees**

Exempt employees serve the College in positions designated on the Exempt Salary Schedule, such as but not limited to those positions that manage programs or projects under the general direction of an administrator. Exempt employees' employment contracts for the fiscal year may be renewed at the end of the fiscal year for the next fiscal year, based on satisfactory performance as stipulated in Section 7 and continuation of funding.

### **5.5 Full-Time (Nine Month) Faculty**

Full-time (nine month) faculty are eligible for health care benefits, sick leave and designated holidays, and have renewable nine (9) month academic year employment contracts, based on satisfactory performance as stipulated in Section 7 and continuation of funding.

### **5.6 Contract Positions and Probationary Status**

Contract positions include administrative, exempt, and full-time (nine month) faculty. Employees in contract positions are subject to a ninety (90) consecutive calendar day probationary period. At any time prior to the completion of the probationary period, the employee may be terminated at any time

(at will). Following completion of the probationary period, a performance evaluation will be conducted by the supervisor. The employee must be rated as satisfactory, as stipulated in Section 7, on the probationary performance evaluation in order to be eligible for continued employment under subsequent employment contracts.

## **5.7 Other Status of Employment and Classifications**

### **1. Non-Permanent Status**

The College employs or provides remuneration for special services provided by individuals who work on a short-term basis. Such employees are not considered permanent and are not therefore eligible for paid holidays, sick leave/annual leave accrual, Indian cultural leave, bereavement leave or fringe benefits, or other benefits afforded to permanent positions.

### **2. Temporary Status**

Temporary employees are hired to perform duties and responsibilities in an assignment and/or a position with a specific start date and end date. Temporary positions are not to exceed ninety (90) consecutive days (three calendar months). Extensions to temporary appointments may be approved by the appropriate vice president and the Human Resources Director, but are not to exceed an additional three (3) calendar months of employment, for a total of six (6) calendar months.

Temporary positions include the following groups of employees:

#### **a. Part-Time (Adjunct) Faculty Members**

Part-time (adjunct) faculty members are under contract on a quarter-to-quarter basis for teaching of College courses and are not considered permanent or eligible to receive health care benefits unless they meet the eligibility requirements outlined in Section 11.

#### **b. Student Workers {Work Study Students}**

Work Study Students work less than twenty (20) hours per week and are not considered College employees. Such students must meet eligibility criteria, regulations and restrictions for either federal or state programs, as well as remain in good academic standing in order to be employed.

#### **c. Interns**

Interns are students who are appointed to assist a specific program. Interns are considered temporary employees and work part-time for a designated number of hours. Interns may be reemployed by the College in subsequent quarters, as needed. Interns are compensated at an hourly rate established by Human Resources and the hiring department.

d. Tutors

Tutors are appointed to assist students in an academic subject. Tutors are considered temporary employees and work part-time for a designated number of hours. Tutors may be reemployed by the College in subsequent quarters, as needed. Tutors are compensated at an hourly rate established by Human Resources and the hiring department.

e. Resident Advisors

Resident Advisors are students appointed to assist students in the Residence Life Center. Resident Advisors are paid a stipend per quarter, provided a meal plan and housing, and may be authorized to drive a college-owned or leased vehicle upon meeting insurability requirements.

## **SECTION 6 - RECRUITMENT, HIRING, EMPLOYMENT**

### **6.1 Employment Practices**

The College provides equal employment opportunities regardless of race, religion, color, sex/gender, national origin, age, marital status, or the presence of any physical or mental disability, or status as a special disabled veteran or a veteran of the Vietnam era, except as provided by the Indian Preference Act (Title 25, U. S. Code, and Section 473). Prohibition against discrimination applies to all employment practices including compensation, hiring, promotion, transfer, training programs, progressive discipline, discharge, and all other terms, conditions, and privileges of employment.

For the purposes of College hiring practices and decisions, individuals covered under the Indian Preference Act are prioritized as follows:

1. Lummi tribal member or a tribal member of a NWIC extended site location.
2. Member of federally recognized tribe, including Alaska Natives pursuant to the Alaska Native Claims Settlement Act, or recognized band of the First Nations of Canada (documentation required such as Certificate of Degree of Indian Blood (CDIB), enrollment/status card, certified letter from a tribe).

In addition to the above, a "descendant" defined as either the biological child of an enrolled Lummi tribal member or member of a federally recognized tribe (first generation) will have preference over a non-Native in a competitive hiring process. Documentation of CDIB-eligible status will be required in order to have preference.

### **6.2 College Practices to Fulfill Indian Preference**

The hiring practices that promote the Indian Preference Act include the appointment of Lummi/American Indian candidates who are enrolled tribal members into all positions are as follows:

1. All positions will be advertised through a competitive process to ensure maximum opportunity for consideration of Lummi/American Indian candidates who meet minimum qualifications.
2. Positions will be opened for recruitment either as a new position or a backfill for a position that has been vacated. The process to identify applicants to be interviewed is covered in Section 6.8 below.

### **6.3 Nepotism**

Immediate family members of current employees may be employed at the College only if the following conditions are met:

1. The family member is not under the direct supervision of another member of his/her immediate family.
2. The related employee was not involved in the screening, interviewing, or selection of the second member of the immediate family.

For the purpose of this policy, the term "immediate family/" means wife, husband, son, daughter, mother, father, brother, sister, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother in-law, sister-in-law, other legal dependents or "partner/significant others" whose relationship creates a conflict of interest between a supervisor and an employee.

This provision also applies when marriage or a "partner/significant other" relationship occurs after employment. In the event of this situation, one of the employees may be suitably transferred or reassigned within the College. If there is not a suitable position for transfer existing at the College, one of the employees will be discharged according to criticalness of the position to the College and the employee's seniority. This will apply to full-time and part-time employees. The President will make the final decision, unless it is solved by an administrator.

#### **6.4 Minimum Age to Work**

The minimum age for minors to work at the College is fourteen (14) years of age, except under work restrictions (types of work and hours of work) for all minors specified in federal law. Employees under sixteen (16) years of age must obtain a written consent from their legal guardian to allow them to work their assigned hours. This written consent shall be submitted to Human Resources upon hire and will be added to their personnel file. Furthermore, employees under the age of sixteen (16) years shall not be allowed to operate any equipment during working hours except for regular office equipment (photocopiers, computer, etc.).

#### **6.5 Orientation**

Human Resources is responsible for conducting new employee orientations, to include but not be limited to:

1. Ensuring completion of employment forms (W-4 and 1-9).
2. Providing leave request information.
3. Providing benefit documents for review and completion.
4. Providing access to the Personnel Policy Manual.
5. Providing information on the College's organizational structure and campus map.

The immediate supervisor is responsible for conducting the following new employee orientations, to include but not be limited to:

1. Introducing the employee to the department staff and other college personnel.
2. Sharing the goals and priorities of the department and the College.
3. Providing a list of duties and responsibilities of the position as outlined in the job description.
4. Providing access to work area and support facilities.

#### **6.6 Creation of a New Position**

New positions, both permanent and temporary, must be established by the appropriate supervisor, authorized under an approved budget/funding source, and processed through Human Resources via an approved "Request for Staff" form and approved job description.

For academic positions, approvals must be obtained from the appropriate department chair, dean, vice president, grant accountant and the Human Resources Director. For non-academic positions, the appropriate director, vice president/president, grants accountant and the Human Resources Director provide approval. Upon the Vice President's/President's approval, Human Resources will initiate the recruitment process by advertising the permanent position.

#### **6.7 Advertisement and Recruitment**

Human Resources is responsible for the advertisement of approved vacant positions. All approved positions will be posted and advertised either internally or externally. Applications will be accepted from interested current internal employees and external applicants, including temporary employees who are considered external candidates. The recruitment period shall be seven (7) calendar days for internal position vacancies and fourteen (14) calendar days for concurrent internal and external position vacancies, but this period may be extended if a longer recruitment period will be needed, or if there are insufficient qualified candidates available for consideration. Application and supporting materials must be received in Human Resources by 5:00 p.m. on the date specified on the job announcement. An internal recruitment is defined as the filling of a position vacancy open only to internal regular employees, excluding temporary employees. To be eligible to apply as an internal candidate, an employee must have satisfactorily passed his/her probationary period as demonstrated by a performance evaluation. An external recruitment is defined as the filling of a position vacancy open to both internal employees and external candidates, including temporary employees.

#### **6.8 Filling of Temporary Positions**

The criteria that will determine whether a position is temporary and to be filled on a non-competitive basis will include the following:

1. The duties and responsibilities are not able to be performed by existing College employees.
2. The temporary is backfilling for a regular employee on approved leave who is scheduled to return within ninety (90) calendar days.

3. The duties and responsibilities to be performed are necessary but short-lived, specifically not more than ninety (90) calendar days.
4. The temporary position will end after ninety (90) calendar days, unless extended in accordance with Section 5.
5. The hire of a qualified temporary employee must be approved in advance by the appropriate vice president and the Human Resources Director. A Request for Staff form, completed application form, and new hire documents are required prior to the temporary employee's start date.

## **6.9 Exceptions to Posting**

Position vacancies will not be advertised in the following situations:

1. Reorganization — Positions filled with an incumbent employee that will be moved to a different department as a result of a reorganization initiated by the President.
2. Reclassification — Positions reclassified and filled with an incumbent employee who will be performing different or additional job duties for which they possess the required qualifications to perform.
3. Internal Lateral Transfer — Positions filled by an incumbent who is transferred to a different position in the same classification.
4. Direct Appointment In Lieu of Layoff — Positions filled by a qualified employee who is a Lummi/American Indian enrolled tribal member and who is subject to layoff due to the elimination of his/her position, as long as the employee is in good standing, as demonstrated by performance evaluations.

## **6.10 Composition of Interview Panels**

The role of the interview panel is to recommend to the hiring official and Human Resources the candidate to be selected for a hire recommendation to the President. If a candidate is not selected, the position will be reposted for a competitive process to take place.

Interview panels will consist of no less than three (3) members. Human Resources, in consultation with the appropriate supervisor, director, department chair, dean, or vice president/president, shall identify the members to serve on an interview panel for a position vacancy. Each interview panel will be responsible for conducting a fair, consistent, and impartial interview process, and Human Resources will have a representative as an ex-officio member on the interview panel to provide technical assistance, as needed.

### **6.11 Screening Process**

The purpose of the screening process is to identify those candidates who will participate in the interview process. Elements of the screening process are outlined below:

1. Human Resources and the hiring official will establish the criteria with which to screen the applications based on their qualifications as outlined in the job announcement.
2. Human Resources will screen application materials of candidates who have applied for a specific position vacancy. The results of the screening process will determine the completeness of application materials and whether the candidates are enrolled members of the Lummi tribe or other American Indian/Alaskan Native tribe in accordance with the Indian Preference Act. The candidates to be interviewed will be those identified to be the most competitive candidates based on the job announcement.

### **6.12 Interview Process**

The interview process is intended to identify the candidates to be considered for selection for a specific position vacancy, as follows:

1. Once the process to identify candidates to be interviewed has been completed, interviews are scheduled by Human Resources. The interviews are held on-site, however mobile video/telephone interviews may be conducted for candidates for whom on-site interviews are not feasible. Interviews by mobile video/telephone are considered a preliminary interview and an on-site visit interview may subsequently take place if the candidate is being considered as a competitive candidate for the position. The College may elect to waive the requirement of an on-site interview and select a candidate without having one completed, at its discretion.
2. The interview panel will interview selected candidates. Following the interviews the panel will debrief the interviews and identify the candidate to be recommended for hire. Documentation of the interview process will be provided to Human Resources for retention in the recruitment file for that specific vacancy.

### **6.13 Reposting of a Position Vacancy**

The College may repost a position vacancy for competitive process in the event there is an insufficient pool of qualified candidates or a candidate is not recommended for hire.

### **6.14 Reference and Background Checks**

Reference checks are conducted by the Human Resources Director on candidates recommended for selection following completion of the interview process in the event a sufficient number of relevant (job related) letters of recommendation are not provided at the time of application for a position vacancy. Criminal background checks will be conducted for designated positions, including those working with those in need of special care, support, or protection because of age, disability or risk of abuse or neglect.



The reference check results are considered by Human Resources in making hire recommendations to the President.

#### **6.15 Internal Applicant Reference Checks**

Internal applicant reference checks are conducted by the Human Resources Director in response to inquiries made by supervisors or hiring officials regarding an employee's current or former performance. Examples of information that can be provided include dates of employment, job titles during employment, and documented job performance as outlined in previous performance evaluations.

#### **6.16 Recommendation for Hire**

Based on the recommendation of the interview panel and hiring official, the name, education and work experience of the selected candidate, in addition to the initial placement on the appropriate salary schedule, will be submitted by the Human Resources Director to the President for approval to make a job offer.

#### **6.17 Job Offer**

Upon the final selection of the candidate, only the Human Resources Director extends a job offer approved by the President to the candidate to complete the selection process.

#### **6.18 Job Descriptions**

A written job description will be prepared for all regular positions. The job description will be included in each employee's personnel file and a copy maintained in Human Resources. Each job description will contain the following:

1. Position title and classification
2. Reporting relationship
3. Department/work location
4. Summary descriptor of the position
5. Qualifications required to perform the position successfully
6. Preferred qualifications of the position
7. Essential duties and responsibilities
8. Supervisory responsibilities
9. Competencies
10. Other skills and abilities
11. Physical demands
12. Work environment

### **6.19 Employment Contracts**

Full-time administrative and exempt employees and full time (nine month) faculty will receive an employment contract that will include at least the following:

1. Beginning and ending dates of the contract period
2. Position title
3. Salary and pay schedule
4. Benefits, leaves and holidays, as applicable
5. Signature of the hiring authority
6. Signature of employee
7. Source of funds
8. Compliance with personnel policies
9. Modification/termination of contract

Original copies of employment contracts are retained in the employee's personnel file, and a copy may be provided to the employee and/or the supervisor upon request.

### **6.20 Delegation of Authority and Acting Status**

Delegation of Authority occurs when there is an absence of a supervisory employee and as a result the supervisor's responsibilities are delegated to another employee for a specified period of time not to exceed twenty (20) working days. Under Delegation of Authority, the employee assuming these responsibilities shall not receive any additional compensation.

Acting Status occurs when an employee is assigned to a supervisory position during an extended absence of a supervisory employee in excess of twenty (20) working days or when an employee is assigned to backfill a vacant supervisory position. An acting status assignment shall not exceed one hundred twenty (120) calendar days. An employee on an acting status assignment will receive one hundred (100 percent) of the difference between his/her current salary and the entry salary level of the position in which he/she is acting.

### **6.21 Reclassification of a Position**

The process to reclassify an existing position to a new or different existing classification at the College is outlined below.

1. Human Resources is responsible for the assignment of positions to classifications and will administer the reclassification process with approval by and assistance from the appropriate supervisor/administrator.
2. Reclassifications may be initiated by an employee with approval by the employee's supervisor. If a request for a reclassification initiated by an employee is not approved by the supervisor, the employee may request reconsideration from the Dean or Vice President. The President approves all reclassification requests prior to a review commencing by Human Resources.
3. Job descriptions may be reviewed at any time by the appropriate supervisor/administrator when job duties have changed over time or will be modified based on the future assignment of different work. The purpose of the reclassification process is to determine what classification, salary schedule and column on the salary schedule the position should be allocated to, designate the position to this classification, and determine the appropriate salary placement for the incumbent employee.
4. As part of the reclassification process, the current incumbent in the position may be required by Human Resources to complete a job duties inventory for analysis and evaluation by Human Resources. This process will confirm the duties and responsibilities assigned to the incumbent employee. The evaluation of the job analysis may result in a new or reclassified position, title and salary if funding is available. Salary adjustments resulting from the reclassification process, if approved by the President, will be effective retroactive to the date of the reclassification request was approved by the President. If it is determined that the salary of the position should be lowered, and the incumbent employee's salary is higher than the newly established salary for the reclassified position, the employee's salary will be frozen until such time as the salary of the position reaches the employee's current salary. During this period the employee will not receive further salary step progression increases or cost-of-living adjustments. Once the salary for the position becomes equal to the employee's salary, the employee will once again be eligible to receive salary increases.
5. A new and/or updated job description will be prepared by Human Resources in consultation with the appropriate supervisor/administrator. A copy of the new job description will be given to the employee and a copy will be placed in the employee's personnel file.
6. The grievance process outlined in Section 14 will not apply to a decision reached from the reclassification process.

## **6.22 Outside Employment**

"Outside employment" is defined as any additional work performed outside of an employee's scope of employment with the College for compensation. Outside employment is permitted by the College as long as it does not result in any of the following conditions:

1. The outside employment conflicts or interferes with an employee's assigned duties and responsibilities at the College.

2. The outside employment is a conflict of interest in violation of the College's Code of Conduct.
3. The outside employment may cause unfavorable publicity or poor public relations with or for the College, the Lummi community, or extended site communities.

Full-time permanent employees must be on approved leave (paid or unpaid) and obtain written approval from their supervisor. In the event that the employee is not granted approved leave (paid or unpaid), the employee is expected to either voluntarily resign from his/her position or be discharged from employment.

### **6.23 Eligibility for Rehire**

At the discretion of the President, employees may be rehired resulting from a competitive hiring process, subject to Indian Preference, under the following circumstances:

1. In the event a former employee either a) voluntarily resigned from the College in good terms or was subject to a reduction-in-force decision, layoff or job elimination at no fault of their own, b) received acceptable performance evaluations during his/her employment, or c) there is a position for which he/she is still qualified, the employee is eligible to apply for a position vacancy.
2. If an employee was terminated for attendance generally he/she is eligible to reapply for employment after ninety (90) calendar days after discharge, as long as the employee can provide proof that he/she resolved the issues that caused the poor attendance.
3. The rehire of former employees who were discharged for poor performance not related to attendance may be determined on a case-by-case basis by the Vice President who discharged the employee and with final approval by the President. Human Resources will review the employee's personnel file to determine if the discharge was attributed to inadequate job skills, experience or expertise that could have been resolved in the time between the discharge and consideration for rehire.
4. Former employees who were discharged for policy violations outlined in Section 14 are not eligible for rehire.

### **6.24 Unionization**

The College, as chartered by the Lummi Nation, supports the foundation of Indian law and the principle of tribal sovereignty. As such, the College maintains that the rights afforded under the National Labor Relations Act allowing employees to engage in union organizing and collective bargaining should not apply to tribal enterprises located on tribal land, in support of shared governance (self-determination).

The College has and will continue to promote a healthy and positive work environment equally for all of its employees, including the establishment of policies governing wages, benefits and working conditions at the College and the ability to pursue grievances.

## **SECTION 7 - PERFORMANCE-BASED EVALUATIONS**

### **7.1 Purpose of Performance-Based Evaluations**

Performance-based evaluations of employees will be conducted annually in order to:

1. Assess high/acceptable standards of performance.
2. Provide an employee feedback on his/her performance in relation to achieving his/her annual performance goals.
3. Provide justification for and documentation of personnel actions.
4. Ensure that employees are adhering to the established Professional Behavior and Conduct Standards for NWIC Employees as outlined in Section 3.

### **7.2 Preparing for the Evaluation**

To support the performance-based evaluation process, a job description will outline the duties and responsibilities assigned to a position. As part of the pre-evaluation process, a supervisor will identify with the employee the performance-based goals for a given year. The performance-based evaluation is then conducted taking into consideration the accomplishments of the year, provided by the employee, in relation to the performance goals. The supervisor will rate the employee's performance according to the level of achievement and provide feedback to the employee during the performance evaluation session.

With the exception of the Classroom Observation Evaluation Form conducted for Faculty, Human Resources is responsible for distributing the Performance-Based Evaluation Forms prior to an employee's scheduled evaluation. The completed performance-based evaluation forms are kept in the official personnel file in Human Resources. All performance-based evaluations must be held in strict confidence, and access to this material is outlined in Section 7.

### **7.3 Performance In Relation to Salary Increases**

Performance-based evaluations are used to determine whether an employee receives the yearly progression increase equal to one step in the same column on the applicable salary schedule, either on July 1 of the new fiscal year for administrative, exempt and full-time (nine month) faculty or the employee's hire anniversary date of that year for classified staff. A rating of "satisfactory" or better is required in order to receive the progression increase. In the event an employee's performance is rated as "unsatisfactory," a performance improvement plan will be established for a period of at least ninety (90) calendar days. At the conclusion of the performance improvement plan period the employee may be granted a yearly progression increase to take effect at the conclusion of the performance improvement period.

## 7.4 Types of Performance-Based Evaluations by Classification

The College utilizes performance-based evaluations as tools to assess employee performance. These tools include performance-based evaluation forms for the various types of classifications. An Appreciative Performance Communications form is also utilized by supervisors, at their discretion.

The performance-based evaluations for the following classifications are completed as follows:

### 1. Classified Staff Performance-Based Evaluations

Classified staff are to receive one (1) evaluation per year and the supervisor will complete the employee's evaluation no later than June 1 of each year reflecting the employee's fiscal year accomplishments. The completed evaluation will be forwarded to Human Resources for placement in the employee's personnel file immediately after the conclusion of the evaluation.

### 2. Administrative and Exempt Employee Performance-Based Evaluations

Administrative and exempt employees are to receive one (1) evaluation per year. The supervisor will complete the evaluation no later than May 1 of each year reflecting the employee's prior year accomplishments. The completed evaluation will be forwarded to Human Resources for placement in the employee's personnel file immediately after the conclusion of the evaluation.

### 3. Faculty-Based Performance Evaluations

- a. All continuing faculty are to receive the Faculty Performance-Based Evaluation focusing on the accomplishments of the faculty member as teacher and advisor, as well as committee/community involvement.
- b. New faculty will receive feedback on their performance from academic leadership at the end of the first quarter of their teaching contract. Such feedback will include demonstrated competency in the areas of instructional skills, instructional materials development and delivery, professional responsibilities and professional relationships. A formal performance evaluation will be provided at the end of the first year of teaching. A copy of the performance evaluation will be placed in the new faculty member's personnel file.
- c. Continuing faculty are to receive a comprehensive evaluation every three years following the first year of evaluation. The comprehensive evaluation includes Classroom Observation, the Faculty Performance-Based Evaluation (by supervisor), the Student Evaluation, Faculty Self/Evaluation and Peer Evaluation. The evaluation will take place no later than June 1 every third year. The completed evaluations will be forwarded to Human Resources upon the conclusion of the evaluation process for placement in the personnel file.

- d. Faculty, including full-time and part-time, are subject to student evaluations being administered during the last week of the quarter for every class taught. Unsatisfactory student evaluations may initiate a comprehensive performance-based evaluation, developmental plan or both, to be completed by the supervisor. Unsatisfactory evaluations, whether from student evaluations or the performance-based evaluation, may lead to termination/non-renewal of a faculty employment contract.

## **7.5 Documenting Performance Accomplishments**

Accomplishments in relation to performance goals are to be documented by the employee no later than the end of March of each fiscal year. The preparation of accomplishments or achievements is submitted by the employee to his/her supervisor for consideration and review at the performance-based evaluation discussion. After this discussion the supervisor determines the performance ratings and sets an overall performance rating for the year.

## **7.6 Performance-Based Evaluation Cycle**

The performance-based evaluation cycle includes the following timelines:

1. The performance based-evaluation cycle is from July 1 to June 30 of each year.
2. The goal planning session to establish next year's performance goals will take place as part of the performance-based evaluation process.
3. The employee will prepare the summary of his/her accomplishments of the year in relation to the established performance goals no later than thirty (30) calendar days before the performance-based evaluation is to be completed.
4. Evaluations of employees are to be conducted by supervisors and submitted to Human Resources no later than June 1 of the evaluation cycle.

## **7.7 Unscheduled Performance-Based Evaluations**

Performance-based evaluations are part of an ongoing process that includes mutual employee and supervisor feedback and coaching when necessary to encourage improvements in employee performance. Unscheduled performance-based evaluations may be conducted for employees in any classification at any time when the employee's supervisor believes such an evaluation is necessary to correct a performance deficiency and/or to provide feedback necessary to improve performance. Human Resources will be consulted in such instances.

## **7.8 Acknowledgment of Performance Evaluation**

After the performance-based evaluation has been completed, the form shall be signed by the employee and his/her supervisor. An employee's signature does not imply that the employee agrees with the evaluation but serves as acknowledgement of its contents. A copy of the signed evaluation form will be

placed in the employee's personnel file and given to the employee. In the event the employee does not sign the completed performance evaluation, Human Resources will follow up with the employee. If the employee refuses to sign the performance evaluation, it will be indicated in writing on the evaluation and placed in the employee's personnel file.

### **7.9 Response to Performance Evaluation**

Employees are provided the opportunity to respond in writing to their performance-based evaluations. Written comments must be submitted to the supervisor within ten (10) working days from the date the evaluation is signed by the employee. The employee's response will be reviewed by the Human Resources Director and discussed with the employee's supervisor. As appropriate, Human Resources may convene a meeting with the employee and the supervisor to discuss the employee's concerns. A copy of the written comments will be placed in the employee's personnel file along with the completed performance-based evaluation.

### **7.10 Unsatisfactory Performance Evaluation**

In the event the performance-based evaluation is determined to be unsatisfactory based on feedback discussions held between the supervisor and employee as part of the performance-based evaluation process, the supervisor shall develop a Performance Improvement Plan (PIP) for the employee. The PIP shall consist of clear and objective performance standards reflecting how the performance will be monitored and how assistance and feedback will be provided during the PIP period. The supervisor is responsible for providing the necessary assistance and feedback to the employee on a regular basis. A final evaluation assessing performance improvements will be made at the end of the PIP period, which is usually completed between thirty (30) to ninety (90) calendar days.

A non-contract employee may be subject to removal from the position, demotion and/or discharge during the performance improvement period in the event that sufficient improvement is not shown during or upon the completion of the PIP period.

A contract employee who has been on a performance improvement plan during the contract year and has continued the deficient performance may have his/her current contract terminated or not receive a renewed contract for the new fiscal year, at the discretion of the College.

### **7.11 Performance and Retention**

In the event that an employee receives a minimum of two (2) consecutive performance evaluations that are rated as unsatisfactory, progressive discipline will be initiated. Classroom evaluations for faculty are included in this evaluation. If sufficient improvement is not shown and conditions of a performance improvement plan show insufficient progress during the required period, discharge will be the final result. Employees are expected to receive performance ratings that are at minimum "satisfactory"; the desired performance rating is "exceeds the minimum." If a performance evaluation of an administrative and exempt employee or faculty member is less than satisfactory, a subsequent contract for the next fiscal year will not be issued.



### **7.12 Establishing Fiscal/Academic Performance Goals**

An important part of the performance-based evaluation process is the setting of performance goals. This goal planning session is required and takes place within a month of the fiscal/academic evaluation discussion. Goals are to be established for the new fiscal/academic year, and documented and agreed upon by the supervisor and employee. A copy of the established goals are discussed with and given to the employee by the supervisor. The goals for the upcoming year are based on the duties and responsibilities assigned to the employee as outlined in the job description, as well as the employee's annual work plan and any goals established during the performance-based evaluation process. Changes to the job description may be warranted at this time. If so, the supervisor should work with Human Resources to update the job description.

### **7.13 Probationary Employee Terminations**

At any time during the ninety (90) calendar day probationary period, a probationary employee, regardless of classification, may be terminated with or without cause. The probationary employee will be provided the reason for termination, in writing by the Human Resources Director. The probationary employee shall not be eligible to grieve this termination.

## **SECTION 8 - EMPLOYEE DEVELOPMENT**

### **8.1 Development of Lummi/American Indian Employees**

The College has established a philosophy of "growing our own" to promote the development of Lummi/American Indian employees who are enrolled tribal members and to achieve Indian Preference hiring practices. For example, the College is committed to providing mentorship opportunities in order to assist Lummi/American Indian employees who are enrolled tribal members in obtaining knowledge and skills development related to a specific position/career path.

An employee may request participation in a mentorship program by contacting Human Resources. Through consultation with Human Resources, the employee and the supervisor will create a career plan which targets potential areas to be developed. A mentor is selected and a contract for the mentorship program will be prepared to include planned accomplishments and internship activities. Follow-up on progress will be conducted quarterly.

### **8.2 Commitment to Employee Development**

The College recognizes that its employees are its most valuable resource and is, therefore, committed to their development. The College's employee development opportunities will include the following:

1. Attainment of new skills and abilities related to an employee's current job duties and responsibilities;
2. Attainment of new skills and abilities related to career/position advancement within the College; and/or
3. Attainment of an advanced degree which is required for advancement within the College.

Such opportunities are subject to available funding.

### **8.3 Training and Professional Development**

#### **1. Training Opportunities**

Permanent full-time and part-time employees and full-time (nine month) faculty are eligible to obtain formal training based on their personal goals that directly relate to their College employment, subject to available funding. Training will be clearly related to the employee's current position and shall be in the form of workshops, seminars, conferences and/or orientations. Employees attending such workshops, seminars, conferences and/or orientations are required to obtain their supervisor's approval in advance of registration. Supervisory approval will also include verification of available funds.

#### **2. Professional Development Opportunities**

The first step in obtaining professional development opportunities is for the employee and his/her supervisor to complete an individual Professional Development Plan. The plan will contain planned activities, timelines, progress meetings, and expected end date for completion. The employee, his/her supervisor and the Human Resources Director will at sign the Plan indicating their agreement.

#### **8.4 Eligibility for Educational Advancement Opportunities**

Full-time employees and full-time (nine month) faculty members are eligible for educational advancement opportunities as described in this Section. These employees must have successfully completed the ninety (90) calendar day probationary period before becoming eligible for any type of educational benefit. Eligible employees will be required to complete a Career/Educational Development Plan and obtain approvals from their supervisor and Vice President in advance of participating in educational advancement opportunities. A Career/Educational Development Plan may include a program of study/course work within the NWIC academic program or from an outside college or university.

#### **8.5 Tuition Assistance for Advanced Degree Attainment**

Awards of tuition assistance will be based on available funding.

The College has adopted a philosophy of developing employees for increased areas of responsibility at the College. This philosophy of "growing our own" is supported through tuition assistance for those employees who desire to advance their education.

Permanent full-time employees and full-time (nine month) faculty members who want to pursue advanced educational degrees (Bachelor's; Master's; Doctorate) at other educational institutions are eligible to request tuition assistance from the College. The advanced educational degree must be related to career development that aligns with the College's Strategic Plan.

The following eligibility criteria must be met before tuition assistance will be considered:

1. Employees must have two (2) years of continuous full-time employment at the College. In the event that an employee is promoted to a position requiring an advanced degree and the College requires that the employee obtain such degree, the two (2) year requirement may be waived by the President. Employees will be required to provide documentation each academic year of a degree program that they have exhausted all other possible avenues of financial assistance/scholarships each given year.
2. Employees must have successfully completed their initial ninety (90) calendar day probationary period.
3. Employees must be in good standing within their department, as supported by past performance appraisals and the assessment of the employee's current supervisor.

Requests for tuition assistance are to be submitted no later than ninety (90) days from the start of the quarter and are to be approved by the employee's supervisor and Vice President. The Vice President will present the recommended tuition assistance to the President. Requests may be prioritized if there are multiple requests received and decisions whether to grant tuition assistance and to what funding level will be based on the relevancy of the educational development request to the College's Strategic Plan. Employees who are a member of a federally recognized American Indian tribe will be given preference in the approval of tuition assistance requests. The President makes the final decision on tuition assistance requests at his/her discretion. Such decisions are not subject to the grievance procedure in Section 14.

The following criteria will apply to the awarding of tuition assistance to any employee where approval has been granted:

1. Tuition assistance will be up to half (50%) of the total student cost of tuition for each quarter/semester attended. Such financial assistance will continue for the full academic degree program subject to the conditions set forth below.
2. For every equivalent full academic year of tuition assistance granted, the employee will commit to an additional year of employment with the College. An academic year is based on completion of thirty (30) semester hours or forty-five (45) quarter hours. The academic year-for employment year calculation will commence from the ending date of the last quarter/semester in which the employee receives assistance from the College. The academic year will be prorated for part-time employees. In the event the employee is discharged for disciplinary reasons, he/she will be required to repay the amount of tuition assistance received, as determined by the College.
3. In order to remain qualified for each subsequent quarter/semester, the employee must maintain satisfactory academic progress as reflected in a copy of their grade report submitted to their supervisor. Tuition assistance will not be provided for classes that need to be repeated. Employees will be required to provide documentation of having exhausted all other possible avenues of financial assistance/scholarships each academic year. This assessment will be conducted no later than June of each year, as part of the employee's annual performance-based evaluation process.

A maximum four (4) year time frame for achieving completion will be granted for the pursuit of each degree to which the College provides assistance; requests for assistance toward additional degrees will be considered as a separate request.

Once approved, the employee and his/her supervisor, along with the assistance from the Human Resources Director, will create a Professional Development Plan which will include the following:

1. Degree being pursued that is related to the criteria listed above.
2. Timeframe within which the degree will be obtained.

3. Year (education) for year (continued employment) commitment.
4. Agreement regarding increased compensation for degree attainment.
5. Any other information relevant to execution of the agreement between the College and the employee.

Human Resources will maintain the formal agreement that outlines the terms of the approved request and obtain the signatures of the employee and the President.

#### **8.6 NWIC College Courses Taken During Working Hours**

Permanent (non-probationary) employees who have satisfactory performance appraisals, along with an approved career/education development plan and satisfactory academic progress, may take a College class as specified in the College schedule during work hours. Use of work hours will be held to a maximum of five (5) hours per week, per quarter, with the advance approval of the supervisor and documented with Human Resources. Employees who obtain approval to take classes over the maximum five (5) hours per week will be required to make up the time per week/quarter or reduce their regular work schedule during a week/quarter. Time spent in classes outside of the employee's normal work schedule is not compensated. Employees must obtain prior approval from their supervisor to attend classes during their regular work hours. In the event an employee does not attend class, he/she will report back to his/her work location and complete his/her remaining scheduled work day. An employee's supervisor may verify with an instructor whether an employee is attending classes as previously approved.

#### **8.7 Tuition Waiver for NWIC College Courses**

Permanent (non-probationary) full-time employees who are not receiving any type of scholarships and have exhausted all scholarship and financial aid funding, are eligible to receive a full tuition waiver per quarter for NWIC courses upon approval of the Registrar. The courses taken must be linked to career development, health and wellness or those that are culturally-relevant courses.

All employees are eligible for resident tuition rates as outlined in the Northwest Indian College Course Catalog.

#### **8.8 Extended Educational Leave**

Permanent full-time and part-time employees who have been employed for five (5) or more years may be eligible for educational leave of up to one (1) academic year to pursue an advanced degree. An employee shall use his/her accrued leave during the extended educational leave. If no annual leave hours are available, the employee will be placed on leave without pay.

A formal request for educational leave accompanied by a proposed course of study will be submitted for approval to the employee's supervisor, Vice President and the Human Resources Director no later than three (3) calendar months before the date of leave. Upon approval of the educational leave request, the employee shall sign an Extended Leave Agreement. The Extended Leave Agreement shall stipulate that the employee will commit to a specific period of employment with the College equal to the length of his/her educational leave.

At the conclusion of each quarter or semester the employee shall submit an official transcript to his/her supervisor and to Human Resources as documentation that he/she attended school and has received a satisfactory grade of "C" for the courses taken.

The College may hire a replacement who will be employed in the employee's vacated position until the employee returns. The employee will be returned to his/her position if available. In the event an employee voluntarily terminates his/her educational leave, the employee shall immediately notify the Human Resources Director of his/her intention to return to work. Employees on an approved extended educational leave will not be eligible for health care benefits while on unpaid status, unless fully paid by the employee. In addition, a new employment contract will not be signed until the employee returns from extended educational leave.

For the purpose of calculating seniority and length of service, the personnel record shall show no interruption of employment status during the period of the educational leave if the employee returns to work for the College.

#### **8.9 Sabbatical Leave — Faculty**

Full-time (nine month) faculty members may be granted sabbatical leave for study, research, and supplemental work experience or other activities related to their professional development. Sabbatical leave is intended to upgrade the educational programs of the College by improving faculty member competence. The number of sabbatical leave requests granted for any year is limited in accordance with the goals of maintaining the integrity of the academic program and available funding. Eligible faculty members may take one (1) contract year of sabbatical leave after serving five (5) years as a full-time faculty member. The faculty member is responsible for finding a grant and the college will support the employee with fifty percent (50%) funding taken from a combination of grant and/or institutional funds, subject to available funding.

Sabbatical leave shall be subject to approval by a Vice President and President and is contingent upon the availability of funds and the College's ability to retain a suitable replacement.

#### **8.10 Pursuit of Higher Education and Contract Modifications**

In the event an employee has been accepted in a Master's or Doctoral program and wishes to request a modification of the required work hours in his/her current employment contract, the following considerations and conditions are to be given:

Considerations:

1. The change in the employee's work schedule must not adversely affect the needs of the College.
2. The employee and his/her supervisor have been able to work out an alternate work schedule that is feasible with the requirements of the employee's position and the needs of the College.

Conditions:

1. If a temporary hire is required to backfill the duties and responsibilities of the employee's position, the budget for the program is to be available.
2. Approvals required to initiate modifications to a new employment contract will include the employee's supervisor, Dean and Vice President.

## **SECTION 9 - WORKING ENVIRONMENT**

### **9.1 Health and Safety**

The College strives to be in compliance with all applicable health and safety laws and regulations and to provide a safe work environment. Employees are expected to comply with all safety and health laws and regulations while on the campus property, on college business at remote sites, traveling to other areas, or when using college vehicles.

### **9.2 Employee Safety**

While on campus, employees are expected to:

1. Inspect their own work area periodically to identify any safety hazards, and report them to their supervisor.
2. Report all accidents and injuries and unsafe conditions to their immediate supervisor to be followed by the completion of the Incident Report form.
3. Refrain from engaging in any activity that endangers themselves or another employee.
4. Keep work areas clean and orderly at all times.
5. Monitor assigned facilities and equipment and initiate maintenance requests when appropriate.

Supervisors are expected to report in writing to the appropriate College official any existing or potential workplace hazard, and to ensure that their employees follow all safety rules.

### **9.3 Workers' Compensation**

The College strives to provide an accident free workplace; however, on occasion accidents do occur. The following steps are to be taken in the event of a workplace injury necessitating the filing of a workers' compensation form:

1. The employee seeks immediate medical attention if required.
2. The employee and/or the supervisor report immediately any work-related injuries to Human Resources.
3. The supervisor obtains a Workers' Compensation packet containing an Accident Report and other required forms from Human Resources, and gives the packet to the employee.
4. When an employee goes to their health care provider, the attending physician completes the Personal Injury Report included in the Workers' Compensation packet.



5. The employee completes the report and gives it to their supervisor for review and approval.
6. The report is provided to Human Resources, who forward the report to the Workers' Compensation provider.
7. Once the Workers' Compensation provider receives the completed claim form, the claim will be processed and a claim number assigned.

In the event that the workers' compensation form is not completed by the employee and Workers' Compensation provider does not receive a completed claim form, no time loss or medical benefits will be compensated to the employee.

#### **9.4 Smoking Prohibited in Workplace**

Employees are prohibited from smoking within twenty-five (25) feet of entrances, exits, windows that open, and ventilation intakes that serve enclosed spaces where smoking is prohibited, as well as in college vehicles. Designated smoking areas are provided on campus.

#### **9.5 Alcohol and Controlled Substance-Free Workplace**

To ensure the safety and well-being of all employees, including employees working at the Lummi Campus and extended sites, as well as students employed as work study and/or interns, the College endorses an alcohol and controlled substance-free workplace that encompasses the following provisions:

1. The unlawful possession, manufacture, use or distribution of alcohol or an illicit controlled substance by employees on college property or during college activities is prohibited. Any violation of tribal, local, state, or federal laws regarding the unlawful possession, manufacture, use or distribution of alcohol or illicit controlled substances may result in recommendation for completion of an appropriate rehabilitation program; progressive discipline, up to and including discharge from employment; and referral for prosecution and imposition of penalties.
2. Violations will be subject to the following actions:

Employees who occupy positions that do not work with or provide service to a minor under the age of 18 as part of his/her job responsibilities will be referred to an external provider for an alcohol/controlled substance assessment. An employee will be provided one opportunity for rehabilitation; however, should the employee use alcohol/controlled substances during his/her employment after rehabilitation the employee will be immediately discharged. Employees who are discharged for violations of this Section are not eligible to file a grievance under Section 14.

- a. Employees who occupy positions that do work with or provide service to a minor (under age 18) as part of his/her job responsibilities will be subject to immediate discharge from

employment should the employee's performance be affected by the use of alcohol and/or a controlled substance (including those not currently prescribed by a physician).

## **9.6 Confidential Referrals for Alcohol and/or Controlled Substance Rehabilitation**

The College's Employee Assistance Program (EAP) provides confidential referral for alcohol and controlled substance rehabilitation services. EAP assists the employee in resolving any performance issues that may be attributed to personal problems related to alcohol and controlled substance use. The EAP has a unique role in monitoring the progress of any employee who may be formally referred for rehabilitation. An employee may at any time seek EAP assistance through contact with the Human Resources Director.

There are two different types of referrals: a self-referral initiated by an employee and a supervisory referral initiated by an employee's supervisor. These referrals are outlined below.

### **1. Self-initiated Referral**

An employee may initiate a self-referral to EAP to seek help with alcohol and/or a controlled substance. A self-referral made prior to a formal referral is an indication that the employee acknowledges that he/she has a possible problem and is taking steps to address it prior to potential progressive discipline and/or initiation of testing.

The employee must complete a Request for Leave form if he/she needs to be absent during scheduled work hours to attend EAP sessions. If an employee asks for help prior to the occurrence of an alcohol/controlled substance-related incident, the Human Resources Director will refer the employee to an appropriate resource for an alcohol/controlled substance evaluation. Once referred, the employee must comply with all recommendations resulting from the evaluation. Monitoring of progress will be conducted confidentially by the Human Resources Director through the provider.

### **2. Supervisory-initiated Referral**

In the event an employee has exhibited poor performance that a supervisor believes may be attributed to the use of alcohol or a controlled substance, and/or a supervisor receives a report or has directly observed impairment, the supervisor may refer an employee to the Human Resources Director for referral to EAP and/or testing. ("Testing" refers to for-cause alcohol and controlled substance testing conducted by an external vendor selected by the College.) If a supervisory-initiated referral is made by the Human Resources Director, it will replace an employee initiated self-referral.

Once the formal contact is made with the Human Resources Director, the supervisor will provide documentation regarding the employee's behavior and work performance. Upon completion of testing, the employee will meet with the EAP/contracted provider for assessment and must comply with subsequent treatment recommendations. The employee will not be allowed to return to work until the EAP/contracted provider reports back to the Human

Resources Director that the employee has satisfactorily completed his/her treatment plan. The Human Resources Director completes the referral to the EAP/contracted provider as well as any required follow up. No records of the assessment and treatment plan (if appropriate) are kept in the possession of the College.

An employee's failure to comply with referral, assessment, and completion of recommended treatment plan are grounds for discharge from employment.

#### Absences from Work

Any required absences from work verified by a treatment facility or health care provider must be approved in advance. In addition, the employee will be required to provide a release to return to work from a treatment facility or a health care provider. The employee will receive a letter from Human Resources that outlines the conditions of the employee's return to work.

#### **9.7 Testing of Employees**

In the event an employee reports to work or is reported to be at work with the strong odor of alcohol or a controlled substance and/or behaviors attributed to the use of alcohol or a controlled substance, even if the employee does not exhibit any signs of impairment, the employee's supervisor may, at his/her discretion, send the employee home and require that the employee use his/her accrued leave for the hours missed from work. If the supervisor concludes that such strong odor of alcohol or a controlled substance is present or a contributor to poor performance, a referral to the Human Resources Director for EAP assistance may be initiated by the supervisor, and testing may take place. The supervisor will document the incident and provide a copy of such documentation to the Human Resources Director.

When there is reasonable suspicion that the use of alcohol or a controlled substance may be contributing to the employee's unsatisfactory performance and/or the employee has exhibited signs of impairment, a referral is made through the employee's supervisor to the Human Resources Director. After a decision is made by the Human Resources Director to have the employee undergo alcohol/controlled substance testing, the employee will be transported to the designated lab by Human Resources for an observed test. In the event that testing is required outside of normal work hours, the supervisor may transport the employee for testing and will be accompanied by a witness. Any failure to comply will be considered a "positive" result. Additionally, any alcohol and/or controlled substance test that indicate the employee provided an adulterated or diluted sample in accordance with lab protocol, it will also be considered as a "positive" result and the employee will be discharged.

## **SECTION 10 - SALARY AND PAYROLL**

### **10.1 Wage and Salary Administration**

Salary Schedules for administrative, exempt, faculty and classified staff are located in Appendix A. Salary Schedules are established as part of a compensation plan maintained by the Human Resources Director under the direction of the President and approval of the Board of Trustees. The plan includes, but is not limited to, job analysis, job evaluation, job descriptions, pay surveys and the salary and wage schedules. The Board of Trustees shall have final approval and authority regarding the compensation plan.

### **10.2 Salary Placement Upon Hire**

The salary for an employee occupying a position which is funded by the institutional budget, a grant or paid from multiple accounts shall be in accordance with the classification and step placement on the appropriate salary schedule. Salaries paid to employees are contingent on availability of funds from that funding source. New employees are placed at the appropriate column and step on the appropriate salary schedule at the time of hire based on the employee's education and experience in relation to the essential job duties and qualifications outlined in the job announcement/job description. The salary placement is completed by the Human Resources Director in consultation with the hiring official and contained in the job offer recommendation made to the President.

### **10.3 Salary Step Progression Increases**

Annual salary step progression increases for permanent employees are contingent upon available funds and satisfactory performance-based evaluations. A salary step progression may be withheld for unsatisfactory performance. Administrative, exempt and full-time (nine month) faculty will receive a one-step progression increase on the appropriate Salary Schedule effective July 1 of each year when new employment contracts begin; classified staff will receive a one-step progression to the next step on the Classified Salary Schedule on their hire anniversary date. Employees who attain a higher degree are eligible to progress on the applicable salary schedule upon presentation of an official transcript to Human Resources will advance:

1. One step in the same column for a job-related Certification which is defined as "academic and/or professional certification as part of an employee's educational plan, i.e., industry standard competency test."
2. One step in the same column for an Associate's degree.
3. Two steps in the same column for a Bachelor's degree.
4. To the same step in the next column for a Master's degree.
5. To the same step in the next column for a Doctorate.

#### **10.4 Overtime Compensation**

Classified staff are designated as hourly employees and as such are eligible to receive overtime pay for actual hours worked if approved by the immediate supervisor in advance. Overtime compensation will be paid at one and one-half times the employee's current hourly rate and only when the employee has worked in excess of forty (40) consecutive hours during that work week. Overtime compensation is to be paid within the pay period that it is earned. Any time during which work is not performed, such as travel to and from the work location or while on a meal period, is not considered overtime. An advance written request for overtime shall be approved only if the work to be performed is essential and cannot be accomplished during a regular work day or work week. The supervisor has the authority to approve up to ten (10) hours of overtime compensation and the Vice President has the authority for the payment of overtime in excess of ten (10) hours.

#### **10.5 Compensatory Time**

Classified staff designated as hourly employees and who are regularly scheduled to work forty (40) hours per week can request compensatory time off work in lieu of overtime compensation. Compensatory time must be approved in advance by the supervisor. Compensatory time may be allowed in situations where overtime work has been previously approved by the employee's supervisor. Compensatory time will be earned at one and one-half times the employee's current regular hourly rate and taken within the pay period it is earned. Only in extenuating circumstances, and as approved in writing by the supervisor, may the compensatory time be carried over to another pay period. The supervisor has the authority to approve up to ten (10) hours of compensatory time; the Vice President has the authority for payment of compensatory time in excess of ten (10) hours.

#### **10.6 Annual Leave Pay for Classified Staff**

Annual leave pay is paid only to classified staff and leave is accrued monthly based on years of service. Classified staff can accumulate annual leave and do not lose it at the end of the fiscal year. If a classified staff member voluntarily resigns, he/she will be compensated for any remaining annual leave days that were unused. The maximum number of annual leave days that can be accrued or paid out upon resignation is thirty (30) days.

#### **10.7 Non-Contract Days for Employees Under Employment Contract**

Administrative and exempt employees are compensated only for the days worked in a fiscal year. Administrative employees receive twenty (22) non-contract days and exempt employees receive fifteen (15) non-contract days. Both administrative and exempt employees also receive twelve (12) paid holidays. If an administrative or exempt employee does not complete the fiscal year contract, the remaining non-contract days not used will not be paid out to the employee.

Carry-over of non-contract days is approved by the Human Resources Director and the President. The maximum number of hours permitted to be carried over into the new fiscal year is eighty (80).

Non-contract hours carried over must be taken in the new fiscal year by September 30 (within ninety (90) days), unless there is a valid reason for extending the ninety (90) day period an additional thirty (30) days. A written request is required stating the number of days/hours to be carried over and

submitted to the Human Resources Director. Unused carried over non-contract hours at the end of the fiscal year/extension period will be lost.

### **10.8 Employment Contract Addendums**

Employees who are assigned to perform additional duties not included in their job description may be eligible for additional pay in the form of an employment contract addendum. Supervisors will complete an Employment Contract Addendum form and obtain appropriate approval signatures before submitting it to Human Resources.

### **10.9 Compensatory Time for Emergencies**

In cases where emergencies necessitate a staff response, including flooding, inclement weather and/or campus lockdown or emergency closures, additional compensatory time may be granted, at straight time, for essential personnel designated by the Vice President who were assigned to perform work during such emergencies.

### **10.10 Flexible Work Schedule**

Full-time and part-time permanent employees, except Classified staff, are eligible to request a flexible work schedule for an established time period with the approval of the supervisor as long as the employee works forty (40) hours per week. A flexible work schedule must meet the operational needs of the College.

A flexible work schedule does not include a flexible location where the work is to be performed. Any work to be performed outside of the normal work location must be approved by the supervisor.

Examples of situations necessitating a flexible work schedule include:

1. Working on weekends due to work deadlines. Alternate days off can be scheduled during the next pay period.
2. Traveling to a business function with or without students on the weekend. Alternate days off can be scheduled during the next pay period.
3. Ongoing family responsibilities such as taking children to school in the morning where the employee is not able to arrive at work at his/her regularly scheduled start time. The schedule for that day may be adjusted at the supervisor's discretion, including authorizing make up time at the end of the work day.

### **10.11 Retroactive Pay**

In case of a delay between the date a salary adjustment is authorized and the date that it goes into effect, retroactive pay shall be processed to the date of authorization. Retroactive pay shall be reviewed and approved by the supervisor.

## **10.12 Classified Staff Work Hours, Reporting of Work Time, Meal and Rest Periods and Work Location**

1. Work Hours - Regular College business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Classified staff are expected to be at their work area ready to begin work at or before 8:00 a.m., or at the start of his/her regularly scheduled shift if their job description specifically indicates a different start time.
2. Use of Time Clocks - Classified staff are required to clock in and out from work as follows:
  - a. Upon arrival at the beginning of their shift.
  - b. When leaving for a meal break.
  - c. When returning from a meal break.
  - d. At the end of their work day.
3. Use of Timecards - Classified staff are not allowed to submit handwritten time cards unless a supervisor has requested an exception to this rule. Falsification of a timecard is considered theft and will be subject to progressive discipline, up to and including discharge, as outlined in Section 14.
4. Meal and Rest Periods - Classified staff scheduled to work a full shift are entitled to a sixty (60) minute meal period and mid-morning and mid-afternoon rest period of fifteen (15) minutes. Each rest period will be scheduled such that the College services are continuously available. Employees who work less than eight (8) hours but more than six (6) hours per day are entitled to take a minimum of thirty (30) minutes for a meal period. Meal and/or rest periods may not be accumulated or used in lieu or in place of approved or unauthorized leave, except as specified in Section 10.
5. Classified Staff Work Location - Classified staff are expected to work from their workstations at the location of the campus unless approved by the Vice-President or President. This may be consistent or incidental.

## **10.13 Contract Employees — Compensation and Work Hours**

Employees occupying administrative and exempt positions under an employment contract are expected to regularly work a minimum of forty (40) hours per week and during the College's designated hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Contract employees are expected to perform work that is critical to the accomplishment of the College's mission, and as such, may be required to complete work that is contained within their job description and/or other duties assigned by their supervisor regardless of the amount of time required to do so within a typical work week, including evenings and weekends.

Contract employees are considered "salaried" for purposes of compensation and work hours consistent with the applicable requirements outlined in federal law. Employees occupying positions designated as salaried are not eligible for overtime pay or compensatory time. Such employees are compensated on a salary basis, meaning that they are paid a predetermined and fixed salary reflected in the employee's employment contract that is not subject to reduction based on college operating requirements, variations in the quality or quantity of work performed, or generally for absences of less than four (4) hours.

Contract employees are not required to account for their work hours during a pay period unless they are requested to do so by their supervisor due to a performance issue. Absences from work of less than four (4) hours are not reported on a leave request form nor are they deducted from a contract employee's non-contract leave balance.

#### **10.14 Payroll Schedule**

1. Distribution of bi-weekly pay checks or pay check summaries if the employee has direct deposit will occur at 8:30 a.m. on Friday mornings following the pay period which ends on Saturdays at 12:00 a.m.
2. Employment Contracts, Employment Contract Addendums, and/or Personnel Action Forms are to be submitted to Human Resources for processing by the previous Friday.
3. Pay distribution for part-time faculty members consists of a contract mid-draw following the quarter beginning date. Pay periods are three times a quarter; paychecks are distributed biweekly. Final paychecks will be distributed upon receipt of a check release form for turning in grades and/or other formal reports required.
4. Non-performance of a full-time (nine month) or part-time (adjunct) faculty member is subject to his/her final paycheck being held until contract requirements are met.

#### **10.15 Payroll Advances**

Full-time and part-time permanent (non-probationary) employees are eligible to receive payroll advances for unforeseen emergencies. Employees may request a payroll advance on a non-payroll processing week by completing a Payroll Advance Request form available in Human Resources. The Human Resources Director may approve no more than three (3) payroll advances per fiscal year for an employee, and up to seventy (70) percent of the employee's bi-weekly gross pay. A fiscal year is July 1 through June 30 of the following year. An employee must a) have sufficient time actually worked to cover a payroll advance, b) pay off a payroll advance fully before requesting another payroll advance, and c) be able to pay off the balance by the end of the fiscal year (first payroll in June). Payroll advances are expected to be paid back in the next paycheck but the employee may request that the advance be deducted over three (3) pay periods. Repayment may not exceed three (3) paychecks. Upon separation from employment, an employee who has not yet repaid previous payroll advances will be required to repay monies owed from his/her final paycheck.



An employee who has already obtained three (3) payroll advances during the fiscal year may request a fourth (4) payroll advance due to extenuating circumstances to the Human Resources Director for approval by the President. However, if approved by the President the employee must sign an agreement that he/she will not be eligible for an additional payroll advance during the remainder of the fiscal year.

#### **10.16 Garnishment of Wages**

Federal (Internal Revenue Service) and Tribal court ordered wage garnishments shall be processed accordingly. As the College is not subject to the jurisdiction of state courts, wages will not be withheld under the authority of the State's Order to Withhold and Deliver. Human Resources will respond to such Orders on behalf of the College.

#### **10.17 Employee Written Checks and Insufficient Funds**

Personal checks written by employees to the College and later returned by the bank for insufficient funds will be subject to the following:

1. The employee will be notified that the check has been returned and will be allowed five (5) calendar days to pay the full amount of the check in cash or by money order. During this five (5) calendar day period no service charge will be assessed.
2. If the full amount is not paid within five (5) calendar days, the employee will pay the College \$25.00, plus bank fees and a service charge. The amount of the check plus the bank fee/service charge will be submitted for payroll deduction until paid in full. No more personal checks will be accepted from the employee in the future.

#### **10.18 Payroll Deductions**

The following payroll deductions are deducted from employees' paychecks:

1. Married or Single Withholding Tax
2. Social Security and Medicare
3. Workers' Compensation Liability
4. Tribal Tax (if working on the reservation)
5. Other— health clubs, additional insurance, retirement fund, or donations to the NWIC Foundation in excess of College's contribution

Payroll deductions will be taken for federal taxes, FICA, outstanding travel authorizations, College purchases, health and life insurance coverage for dependents, and any other payment owed by the employee to the College or as mandated by law.

### **10.19 Overpayment of Wages**

In the event an employee is overpaid wages, the College will determine the appropriate action to be taken based on the criteria below:

1. If the overpayment was the result of an error on the part of the College, the employee may not be required to repay the overpayment, at the discretion of the President.
2. If the overpayment was the result of an error on the part of the employee, either due to an omission from reporting of time worked or leave taken, or for any other reason, the employee will be required to repay the overpayment. The overpayment may be repaid in one (1) lump sum or over three (3) or more pay periods, unless alternate arrangements are made for extenuating circumstances. The College will report overpayments to any external party, such as unemployment insurance or disability insurance provider, as appropriate.

## **SECTION 11 - EMPLOYEE BENEFITS**

### **11.1 Benefit Plans and Retirement Account Contributions**

The College provides health benefit plans and retirement account contributions to eligible employees as authorized by the Board of Trustees. Changes in the health benefit plans and the retirement account contributions provided to eligible employees must be approved by the Board of Trustees before such changes being offered to employees.

The Board of Trustees authorizes funds to be allocated to the health care plans for eligible employees as well as retirement contributions funded as part of the adoption of the Cortège's annual budget. Authorization may include changes in funding and premium increases paid to plan/benefit providers.

#### **1. Benefit Plans Eligibility/Ineligibility**

The determination of eligibility under federal law is made by the Lummi Indian Business Council's (LIBC) Human Resources Department under the direction of the LIBC Health and Wellness Committee, which consists of all of the entities participating in the benefit plans.

Under requirements of the plan, permanent employees who are regularly scheduled to work forty-two (42) hours or more per pay period (equivalent to .525 FTE) are eligible for medical/prescription, dental and vision coverage, as well as life and accidental death & disability Insurance (AD&D). Ineligible employees include: 1) part-time employees who are regularly scheduled to work less than forty-two (42) hours per pay period, and 2) temporary employees, student workers and interns. However, under federal law ineligible employees may become eligible for benefits for a limited period of time once they have reached the one thousand two hundred and fifty (1,250) hour threshold working an average of twenty five (25) or more hours per week during the established measurement period.

#### **2. Dependent Benefit Eligibility**

Dependents eligible for coverage under the benefit plans include:

- a. An employee's legally married spouse as defined in the plan. Coverage may continue during a legal separation only if ordered by a court decree.
- b. A domestic partner who is of the same or opposite sex, engaged in a spouse-like relationship and who shares the same permanent residence with the employee. To qualify for domestic partnership coverage, both individuals must meet the qualifications outlined in the benefits plan.
- c. Dependent children of the employee and his/her domestic partner under the age of twenty-six (26), provided that the children are unmarried, are a primary dependent of the employee for support, living with the employee in a regular parent-child relationship and otherwise meet the requirements contained in the benefits plan.

## **11.2 Effective Date of Benefit Coverage**

Benefits coverage for eligible employees will be effective as follows:

1. Administrative/exempt employees will be enrolled effective the first day of the month following date of hire.
2. Full-time (nine month) faculty members will be enrolled effective the first day of the month following date of hire. Faculty members who are eligible for and enrolled in benefits, but not under contract for the months of July and August, will continue to receive medical and prescription drug benefit coverage uninterrupted for themselves and their spouse or dependents, if coverage is elected. Faculty members may elect to obtain voluntary dependent health, vision and dental insurance coverage during these months and will pay the premiums in September (for both the July and August health premiums for dependents and the voluntary vision and dental insurance premiums). Contributions to the retirement fund will not be made during these two months. Faculty members who do not return under a contract in September will be required to repay the College the full amount of the monthly premiums due for the months of July and August, including the employer portion of the premium.
3. Classified staff will be enrolled effective the first day of the month following successful completion of the ninety (90) calendar day probationary period.
4. The effective date of dependent coverage is the same as the employee's effective date. If the covered employee marries, the employee must add the spouse and dependent children within thirty-one (31) calendar days of the date of marriage and the effective date of coverage for the spouse is the first of the month following the date of marriage. If the covered employee acquires a child through birth, adoption, or placement for adoption, the employee must add the child within sixty (60) days of the date of birth, adoption, or placement for adoption and the effective date of coverage for the child is the date of birth, adoption, or placement for adoption.

## **11.3 Annual Benefits Open Enrollment**

Employees will complete the benefits enrollment process upon eligibility. The College will conduct an open enrollment annually to allow eligible employees to make changes in their benefits coverage. Changes outside the new hire or annual open enrollment are only made for qualifying events as defined in the benefit plan.

## **11.4 Eligibility and Enrollment in Retirement Plan**

Administrative and exempt employees, and full-time (nine month) faculty who meet the eligibility requirements for health care benefits are eligible to be enrolled in the retirement plan effective the first of the month after date of hire. Classified staff who meet the eligibility requirements for health care benefits are eligible to enroll in the retirement plan effective the first of the month following satisfactory completion of the ninety (90) calendar day probationary period.

Employees who enroll in the health care plan will receive an authorized amount to be placed in their retirement account on a monthly basis. Employees may also contribute to their retirement account through payroll deduction. Contributions may be started or stopped, increased or decreased at any time, in accordance with Internal Revenue Service regulations.

### **11.5 Term and Supplemental Life Insurance**

Term Life Insurance and Accidental Death/Dismemberment (AD&D) coverage in the amount specified in the plan is provided to eligible employees at no cost. Additional voluntary life insurance coverage is available to eligible employees and is paid for by employees who meet specific eligibility criteria. Premiums for voluntary supplemental life insurance and AD&D will be deducted on a bi-weekly basis from employees' paychecks.

### **11.6 Short-Term and Long-Term Disability**

Eligible employees receive employer-paid short-term disability and long-term disability coverage at no cost. Short- and long-term disability coverage under the plan is subject to modification by the Board of Trustees and employees must meet eligibility requirements as defined by the plan.

### **11.7 Employee Assistance Program**

The College may contract with an external provider to offer a limited number of free short-term counseling, crisis intervention, and assessment sessions for employees, their spouses/partners, and their dependents at the discretion of the College. When needed, the employee will be referred to longer term resources and such resources are covered as stipulated in the benefits plan.

### **11.8 Termination of Benefits Coverage**

Employees leaving college employment and who have benefits coverage will remain covered until they cease to meet the eligibility requirements of the plan, including:

1. The last day of the month in which the employee's employment ends.
2. The date the employee begins active service in the armed forces.
3. The date the employee fails to make required premium payments in accordance with the plan.
4. The first day an employee fails to return to work following an approved leave of absence.
5. The last day of the month in which the employee retires.

If the employee is employed for any day of the month, coverage remains active until the last day of that month.

Contributions to an employee's retirement account will remain active during the final month of employment. The employee has the option, at his/her discretion, to contact the retirement fund

provider and request a withdrawal of the contributions in the employee's retirement account after the termination date.

### **11.9 Continuation of Benefits**

The continuation of benefits is an option for any employee that has been covered under a medical plan offered by the College at the time of separation, consistent with federal law. Such coverage may be continued for a period of eighteen (18) to thirty-six (36) months, subject to qualifying events described in the benefit plan. If an employee wishes to continue coverage for medical care he/she can arrange to make monthly payments to the insurance carrier for the premium rates in effect (both employer and employee premium amounts). The employee will receive notification documents including the customary election forms for continuing benefits from the insurance plan provider.

Portability or conversion of insurance coverage upon separation from employment will be based on appropriate laws and regulations.

## SECTION 12 - HOLIDAYS AND LEAVES

### 12.1 Holidays

#### Observed Holidays for Administrative, Exempt and Classified Staff

The College observes the following holidays, which are paid days off for full-time and part-time permanent administrative and exempt employees as well as classified staff:

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| 1. New Year's Day                    | January 1                            |
| 2. Treaty Day/Martin Luther King Day | 3 <sup>rd</sup> Monday of January    |
| 3. President's Day                   | 3 <sup>rd</sup> Monday of February   |
| 4. Memorial Day                      | 4 <sup>th</sup> Monday of May        |
| 5. Independence Day                  | July 4                               |
| 6. Labor Day                         | 1 <sup>st</sup> Monday of September  |
| 7. Veteran's Day                     | November 11                          |
| 8. Thanksgiving Day                  | 4 <sup>th</sup> Thursday of November |
| 9. Native Family Day                 | 4 <sup>th</sup> Friday of November   |
| 10. Christmas Eve Day                | December 24                          |
| 11. Christmas Day                    | December 25                          |
| 12. New Year's Eve Day               | December 31                          |

In addition to the above-designated holidays, the President has the discretion to grant an additional paid day off for eligible employees, as a Personal Holiday to be observed on an employee's birthday.

If any of the holidays indicated above fall on a Saturday or Sunday, the preceding Friday or the following Monday will be observed as the holiday. Part-time permanent employees will be compensated for observed holidays on a pro-rated basis determined by the percentage of hours worked in a full-time work week.

Observed Holidays for Full-Time {Nine Month) Faculty

The following observed holidays are paid days off for full-time (nine month) faculty:

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| 1. New Year's Day                    | January 1                            |
| 2. Treaty Day/Martin Luther King Day | 3 <sup>rd</sup> Monday of January    |
| 3. President's Day                   | 3 <sup>rd</sup> Monday of February   |
| 4. Memorial Day                      | 4 <sup>th</sup> Monday of May        |
| 5. Veteran's Day                     | November 11                          |
| 6. Thanksgiving Day                  | 4 <sup>th</sup> Thursday of November |
| 7. Native Family Day                 | 4 <sup>th</sup> Friday of November   |
| 10. Christmas Eve Day                | December 24                          |
| 11. Christmas Day                    | December 25                          |
| 12. New Year's Eve Day               | December 31                          |

If any of the holidays indicated above fall on a Saturday or Sunday, the preceding Friday or the following Monday shall be observed as the holiday.

**12.2 Administrative Leave With Pay**

Full-time and part-time permanent employees are eligible for administrative leave with pay for reasons identified in this Section.

Administrative leave with pay must be approved by the employee's supervisor and the Human Resources Director in advance of the absence.

A. Participation in Approved Activities

Full-time and part-time permanent employees will be excused from work with pay, not to exceed four (4) hours, for actual time spent in the activities designated below, if they are not able to participate in the activities before or after their normal work day. Part-time employees will be compensated on a pro-rated basis determined by the percentage of hours worked in a full-time work week, not to exceed two (2) hours. The approved activities are as follows:

1. Donating blood.
2. Voting in local, federal, or tribal elections.



3. Traveling from home to work and from work to home in hazardous road conditions, including inclement weather.
4. Other days designated by the President at his/her discretion.

At the discretion of the President, additional administrative leave with pay days may be designated including, but not limited to, a Christmas Holiday closure of the College.

**B. Official Full-Day Early Closure or Delayed College Openings**

When the College officially declares a full day closure, an early closure or delayed opening employees will be compensated at straight time for all of the scheduled hours they would have normally worked. A supervisor, with the approval of the appropriate dean and vice president, may open/close a department early or delay opening at the beginning of the work day due to an event or situation involving the designated work location. If this occurs, employees will be compensated at straight time for hours in which they were "not permitted to work." Employees who previously submitted a request for leave or non-contract days that was granted will have the full amount of requested leave deducted from their accrued balance and will not be eligible for paid administrative leave for those hours/days.

**C. Employment-Related Investigations**

Administrative leave with pay may also be granted in cases where the College is investigating an incident that may lead to progressive discipline. The employee may be paid for his/her normal work schedule at his/her regular rate of pay for the period of time the investigation is being conducted. Administrative leave with pay for this purpose will be approved in advance by the Human Resources Director.

**12.3 Annual Leave - Classified Staff**

Full-time classified staff will accrue annual leave and once they have attained permanent status are eligible to use accrued annual leave as outlined in Section 3. Eligible part-time classified staff will accrue annual leave on a pro-rated basis as determined by the percentage of hours worked in a full-time work week.

Classified staff who are employed by the College prior to the adoption of the revisions to this Section will continue to accrue annual leave as follows:

Years of Service	Through	Hours Accumulated Monthly	Hours Accumulated Annually
	5	8	96
6	10	10	120
11	15	12	144
16	Perpetuity	14	168

Classified staff who are employed after the adoption of the revisions to this Section will accrue fifteen (15) days/one hundred twenty (120) hours of annual leave on their hire anniversary date each year. A maximum of ten (10) days/eighty (80) hours that have not been used by June 30 of the current year can be carried over into the next year. Carry over hours must be used no later than three (3) calendar months after carried over. Any excess annual leave not taken within this period of time will be forfeited.

#### Accrual and Use

1. Hours accrued are continuous and begin on the original date of hire.
2. Accrual automatically accumulates and is adjusted according to hours or days taken.
3. When an employee takes annual leave, the accrual of annual leave time is still continuous during that vacation period and will automatically accumulate as if on active status.

Employees who have a break in service due to voluntary resignation and return to College employment in either the same or a different position are not given credit for their original length of service. Employees who are terminated due to lack of funds and are rehired within six (6) calendar months of leaving college employment are eligible to receive credit for purpose of leave accrual. The date of hire is recognized as the most recent start date for the purpose of accumulating annual leave.

The maximum accumulation of annual leave for classified staff who were employed prior to the approval of revisions in this Section is thirty (30) calendar days/two hundred forty (240) hours. Once an employee has reached this maximum, the accumulation amount beyond the two hundred forty (240) hours/thirty (30) calendar days, or the equivalent of pro-rated part-time hours/days for permanent employees, will be forfeited.

The maximum accumulation of annual leave for classified staff who are employed after the approval of revisions in this Section is one hundred twenty (120) hours. Once an employee has reached this maximum, the accumulation beyond one hundred twenty (120) hours, or the equivalent of pro-rated part-time hours/days for permanent employees will be forfeited. A maximum of eighty (80) hours that have not been used by the employee's hire anniversary date of the current year can be carried over into the next year. Carry over hours must be used no later than three (3) calendar months of the employee's hire anniversary date or be forfeited.

The College recognizes that it is beneficial for employees to use accrued leave as a respite from work. Annual leave should be requested through the completion of a Request for Leave form and taken when mutually beneficial to the College and the employee. An employee must receive approval by his/her supervisor for taking certain hours/days as annual leave. Supervisors are not required to approve annual leave in cases where an employee did not obtain prior approval. Classified staff are required to record annual leave taken on their timecard during the pay period in which it was taken, or if not possible, in the following pay period.

Temporary employees are not eligible to accrue or accumulate annual leave. Probationary employees who achieve permanent status after successfully completing ninety (90) calendar days of employment will earn and accrue annual leave from the from date of hire. Such accrual will be accumulated for the ninety (90) calendar day probationary period and posted to the employee's annual leave balance following the change to permanent status.

#### **12.4 Non-Contract Days for Administrative and Exempt Employment Contracts**

Administrative and exempt employees are issued an employment contract each fiscal year beginning on July 1 and ending June 30. It is expected that the employee will perform his/her duties and responsibilities for a specific number of contract days per fiscal year.

Non-contract days are not inclusive of observed holidays, weekends or contract days. Non-contract days are to be used in lieu of paid annual leave. Administrative employees receive twenty two (22) noncontract days/one hundred seventy six (176) hours, and exempt employees receive fifteen (15) days/one hundred twenty (120) hours.

A maximum of ten (10) non-contract days/eighty (80) hours that have not been used by June 30 of the current fiscal year can be carried over into the next fiscal year. Carry over hours must be used no later than September 30 (within three calendar months) of the new fiscal year. Any excess non-contract days that are not taken before September 30 of the new fiscal year will be forfeited.

#### **12.5 Sick Leave Accrual and Use**

General provisions pertaining to the accrual and use of sick leave for eligible employees are as follows:

1. Newly hired employees accrue sick leave beginning with the first full month of employment. However, the actual accrual is neither credited nor available for use until the employee has successfully completed his/her first thirty (30) calendar days of employment.
2. Sick leave has a maximum accrual of two hundred forty (240) hours/thirty (30) working days.
3. Accrued sick leave may not be taken in advance of being accrued. Sick leave cannot be charged or taken for use as annual leave. Time off work without available sick leave will be charged as leave without pay. Employees who work less than their normally scheduled work day/week are required to submit a leave request for approval by their supervisor.
4. Eligible employees may use their accrued sick leave for their own illness, injury, doctor or dental appointments or for the care of an ill or injured immediate family member. "Immediate family member" includes father, mother, spouse/recognized spouse, son, daughter, sister, brother, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, great grandparent, great grandchild. In-law and step relationships are similarly defined and included. An employee's use of accrued sick leave to care for an ill or injured immediate family member will be limited to the actual time spent in transporting the ill or injured immediate family member to/from doctor or dental appointments and while health care is provided, and/or direct care as verified in writing by a health care provider to verify use of sick leave, at the supervisor's discretion. An employee's use of accrued sick leave for their own illness or injury may require

verification in writing by a health care provider to verify use of sick leave, at the supervisor's discretion.

5. In the event an employee is off work on approved vacation leave and becomes ill or injured while on leave, the employee can use his/her accrued sick leave for those days he/she was ill or injured, as verified in writing by a health care provider.
6. When an employee separates from employment, accrued sick leave is forfeited.

Employees requesting sick leave must inform their supervisor of their absence and the nature of the illness/injury no later than thirty (30) minutes before the beginning of his/her scheduled shift on each day of his/her absence from work. Failure to make such notification could result in designating the day(s) off work as leave without pay. Upon return from sick leave, employees are required to submit a leave request form covering all sick time taken.

The administration of the sick leave benefit is a responsibility of the College. This can include but is not limited to, written verification of illness from a health care provider 1) after three (3) consecutive work days, or 2) for incremental or intermittent absences due to the same injury/illness. Such written verification will include the expected date the employee may return to work. The verification will be obtained at the employee's expense.

Specific provisions pertaining to the accrual and use of sick leave for various classifications of employees are as follows:

1. Administrative and Exempt Employees
  - a. Administrative and exempt employees accrue eight (8) hours of sick leave per month.
  - b. Part-time permanent employees earn sick leave on a pro-rata basis determined by the percentage of hours worked in a full-time work week.
2. Faculty
  - a. Full-time (nine month) faculty members earn eight (8) hours of sick leave at the time of signing their employment contract and may take accrued sick leave after thirty (30) continuous days of employment.
  - b. Part-time (adjunct) faculty members are entitled to one (1) day of non-accumulative sick leave per quarter due to illness or injury. Sick leave will be paid only for approved absences and when part-time faculty members are ill and unable to teach on specific day(s).
3. Classified Employees
  - a. Classified staff accrue and are eligible to take eight (8) hours/one (1) day per month of sick leave for each full month worked.

## 12.6 Family and Medical Leave

Federal law contains provisions on employer coverage; employee eligibility for benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after leave; notice and certification of the need for family and medical leave; and, protections for employees who request or take family and medical leave. The law also requires employers to keep certain records.

### 1. Employee Eligibility

In order to be eligible for family and medical leave benefits, an employee must have worked:

- a. At least twelve (12) calendar months.
- b. At least one thousand two hundred fifty (1,250) hours in the twelve (12) months before the employee takes leave, or within the fiscal year of July 1 through June 30.
- c. At a location where at least fifty (50) employees are employed by the employer within seventy (75) miles of the employee's worksite.

### 2. Leave Entitlement

Family and medical leave coverage is provided to an employee who is unable to work due to his/her own serious health condition, or a serious health condition which requires the employee to care for his/her parent, spouse, or child. Family and medical leave provides unpaid, job protected leave that may be taken all at once, or may be taken intermittently as a medical condition requires.

The College grants eligible employees up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for one of more of the following reasons:

- a. To care for a child and to bond with the newborn child, when the employee becomes a biological parent or a child is placed in the employee's home pending adoption or foster care. Both men and women have the same right to take family and medical leave to bond with their child. Leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement and must be as a continuous block of leave unless the College allows intermittent leave, for example for a part-time schedule. Spouses employed by the College are jointly entitled to a combined total of twelve (12) work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent, but not a parent-in-law, who has a serious health condition.
  1. "Family member" means the spouse, parent, or child of the employee.
  2. "Child" means the biological, adopted, step, foster, legal ward, or other child for whom the employee stood or stands in loco parentis, who is under age 18, or age 18 or older, and is "incapable of self-care because of mental or physical

disability" at the time the family and medical leave is to commence. "In loco parentis" means those individuals with day-to-day responsibilities to care for and financially support a child.

3. "Parent" means a biological, adoptive, step or foster father or mother, or an individual who stands or stood in loco parentis to an employee when the employee was a child. This term does not include "parents-in-law." Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to family and medical leave. For example, an uncle who is caring for his young niece and nephew when their single parent has been called to active military duty or an employee who is co-parenting a child with his or her same sex partner may exercise their right to family and medical leave. Also, an eligible employee is entitled to take family and medical leave to care for a person who assumed parental rights, duties and obligations without formal legal adoption ("in loco parentis") to the employee when the employee was a child.
- b. To care for the employee's family member (spouse, parent, or child) with a serious health condition.
- c. The serious health condition of the employee that prevents the employee from working at all or performing one or more of the essential functions of his/her position:

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves 1) conditions requiring an overnight stay in a hospital or other medical care facility; 2) conditions that incapacitate the employee or their family member, for example unable to work or attend school for more than three (3) consecutive days and have ongoing medical treatment, either multiple appointments with a health care provider or a single appointment and follow-up care such as prescription medications; 3) chronic conditions that cause occasional periods when an employee or a family member are incapacitated and require treatment by a health care provider at least twice a year; and 4) pregnancy, including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest.

"Health care provider" means a doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice and perform within the scope of their practice, as defined under state law; or nurse practitioners and nurse-midwives authorized to practice and perform within the scope of their practice, as defined under licensing regulations.

### 3. Use of Accrued Leave/Leave Without Pay

Employees will be required to use their accrued sick leave and annual leave/non-contract days concurrently with family and medical leave (sick leave is to be used first, then leave/noncontract

days). In order to use such leave/non-contract days, employees must follow the College's use of leave rules such as providing advance notice and submitting a Request for Leave form.

Family and medical leave entitles eligible employees to take leave without pay, however, only after the employee has first exhausted all accrued sick and leave/non-contract days.

#### 4. Intermittent Leave

Under some circumstances as documented in medical verification provided by a health care provider, employees may take family and medical leave in a single block of time or intermittently in multiple, smaller blocks of time if medically necessary, or on a part-time basis if medically necessary. If an employee or his/her family member needs multiple periods of family and medical leave for planned medical treatment, such as physical therapy appointments, the employee must try to schedule the treatment at a time that minimizes the disruption to the College.

An employee's eligibility to use accrued leave while on maternity leave/family and medical leave and also receive short-term disability benefits are defined in the short-term disability benefit plan.

#### 5. Continuation of Benefits

During an employee's use of family and medical leave, the College will continue to pay the employer's share of the employee's health and life insurance premiums, whether or not the employee is in pay status. Employees are to work closely with Human Resources during this time to ensure that both the employer's and employee's shares of insurance premiums are paid promptly during any use of family and medical leave without pay. Employees are responsible for arranging for payment of their portion of the monthly premiums during his/her absence. The College may recover premiums it paid to maintain health coverage for an employee who fails to return to work from family and medical leave.

#### 6. Military Family Leave

Family and medical leave also provides certain entitlements to military family members. Employees may take family and medical leave for specified reasons related to certain military deployment. Additionally, employees may take up to twenty-six (26) weeks of family and medical leave in a single twelve (12) month period to care for a covered service member with a serious injury or illness.

#### 7. Alcoholism/Controlled Substance Abuse and Family and Medical Leave

Family and medical leave relating to alcohol/controlled substance abuse as a serious health condition may only be taken when the employee is receiving treatment for alcohol/controlled substance abuse by a health care provider or by a provider of health care services on referral by

a health care provider. However, absences because of the employee's use of alcohol/ controlled substance, rather than treatment, do not qualify for family and medical leave.

#### 8. Job Restoration

Upon return from family and medical leave, an employee must be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

An employee's use of family and medical leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using family and medical leave.

Time off under family and medical leave may not be held against the employee in employment actions such as hiring, promotions or discipline.

#### 9. Exclusion to Job Restoration

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the College may refuse to reinstate certain highly-paid 'key' employees after using family and medical leave during which health coverage was maintained. In order to do so the College will:

- a. Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take family and medical leave.
- b. Notify the employee as soon as the College decides it will deny job restoration and explain the reasons for its decision.
- c. Offer the employee a reasonable opportunity to return to work from family and medical leave after giving this notice.
- d. Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

#### 10. Notice

Employees do not have to specifically ask for family and medical leave on their first leave request, but employees do need to provide enough information so the College is aware that it may be covered by family and medical leave. Once a condition has been approved for family and medical leave and the employee needs additional leave for that condition, for example, recurring migraines or physical therapy appointments, the employee's request must mention that condition or the employee's need for family and medical leave. If the employee does not provide the College with enough information to know that his/her leave may be covered by the family and medical leave, the employee's leave may not be protected.



Employees are not required to tell the College of their diagnosis, but employees need to provide information indicating that their leave is due to a family and medical leave-protected condition, for example, stating that the employee has been to the doctor and has been given antibiotics and told to stay home for four (4) days.

#### 11. Medical Certification

If the College requests that the employee provide medical certification, the employee has fifteen (15) calendar days to provide it in most circumstances. The employee is responsible for the cost of getting the certification from his/her health care provider and for making sure that the certification is provided to the College. If the employee fails to provide the requested medical certification, his/her family and medical leave may be denied.

The medical certification must include some specific information, including:

1. Contact information for the health care provider.
2. When the serious health condition began.
3. How long the condition is expected to last.
4. Appropriate medical facts about the condition, which may include information on symptoms, hospitalization, doctor visits, and referrals for treatment.
5. Whether the employee is unable to work or the employee's family member is in need of care.
6. Whether the employee needs leave continuously or intermittently. If the employee needs to take leave a bit at a time, the certification should include an estimate of how much time the employee will need for each absence, how often the employee will be absent, and information establishing the medical necessity for taking such intermittent leave.

If the College finds that necessary information is missing from the medical certification, the College will notify the employee in writing of what additional information is needed to make the certification complete. The employee is required to provide the missing information within seven (7) calendar days. If the College has concerns about the validity of the medical certification it may request a second opinion, but it will cover the cost. The College may request a third opinion if the first and second opinions differ, but it will cover the cost. If the employee's need for leave continues for an extended period of time, or if it changes significantly, the College may require that the employee provide an updated certification.

The College may require periodic status reports during the period of the family and medical leave. The College will require that the employee obtain a written release to return to work from his/her health care provider at the conclusion of the family and medical leave.

## **12.7 Employee Disability**

Federal law prohibits discrimination on the basis of disability in employment. To be protected by the law, an employee must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by law as "a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment." The law does not specifically name all of the impairments that are covered.

The law requires employers to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer can be made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

### Medical Inquiries in Response to an Accommodation Request

The College ensures that disability-related inquiries and examination of employees are "job-related and consistent with business necessity," including one or more of the following:

1. Based on objective evidence, that the employee's ability to perform essential job functions will be impaired by the medical condition.
2. Based on objective evidence, that the employee will pose a direct threat due to his/her medical condition.
3. The employee's request for a reasonable accommodation and the employee's disability or need for accommodation is not known or obvious.
4. Is required in positions that affect public safety.

When an employee requests an accommodation and the disability or need for accommodation is not obvious, the College will require that the employee provide medical documentation to establish that the employee has a disability and needs the requested accommodation. The College will provide reasonable accommodation if the employee 1) has a physical or mental impairment that substantially limits one or more major life activities, and 2) has a record of such impairment.

The College will require documentation about the disability and limitations as provided by an appropriate health care or rehabilitation professional. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. When the College makes a request for health-related information, e.g., to support an employee's request for reasonable accommodation or a request for sick leave, the College will warn the employee and/or health care provider from whom it requested information not to provide genetic information under the Genetic Information Nondiscrimination Act of 2008 (GINA).

### Determining Substantial Limits on Major Life Activities

Medical documentation from the employee's health care provider will confirm the first criteria for providing reasonable accommodation: whether the employee has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include functions such as caring for self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major life activities also include the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

### Determining Impairment

The medical documentation from the employee's health care provider will also confirm the second criteria for providing reasonable accommodation: whether the employee has a disability by determining whether the employee has a physical or mental impairment. A physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. A mental or psychological disorder includes conditions such as intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

### Determining Whether an Impairment Substantially Limits a Major Life Activity

Once the College has confirmed the employee's impairment, the next step will be to determine whether the impairment substantially limits the employee in one or more major life activities. When determining whether impairment substantially limits a major life activity, the College will:

1. Compare the employee to most people in the general population.
2. Consider that the impairment need not prevent, or significantly or severely restrict, the employee from performing a major life activity.
3. Consider the limitations as if the condition is in an active state.
4. Ignore the ameliorative effects of mitigating measures.

### Considering Mitigating Measures

Mitigating measures include things such as medication, medical supplies, equipment, hearing aids, mobility devices, the use of assistive technology, reasonable accommodations or auxiliary aids or services, prosthetics, learned behavioral or adaptive neurological modifications, psychotherapy,

behavioral therapy, and physical therapy. Mitigating measures do not include ordinary eyeglasses or contact lenses.

#### Determining Whether an Accommodation is Needed

Under the law, an employee is entitled to an accommodation only when the accommodation is needed because of the employee's disability; therefore, the College will not be obligated to provide accommodations that an employee requests for some other reason, and will request medical documentation to show that the requested accommodation is needed because of the employee's disability. The College also will consider that the limitations that need accommodating do not have to be the same ones that established disability. Once the College has determined that an employee has a disability, it will consider accommodations for any limitations resulting from the disability that the employee is entitled to receive.

#### Determining Effective Accommodation Options

If the employee has a disability and needs an accommodation because of the disability, the College will provide a reasonable accommodation, unless the accommodation poses an undue hardship. In general, an accommodation is any modification or adjustment in the work environment or in the way things are customarily done that enables the employee with a disability to enjoy equal employment opportunities. A modification or adjustment is "reasonable" if it seems reasonable on its face, meaning feasible or plausible. In addition to being reasonable, the accommodation must also be "effective" in meeting the needs of the employee. An accommodation is effective when it enables the employee to perform the essential functions of the job or to enjoy equal access to the benefits and privileges of employment that employees without disabilities enjoy.

In many cases, a reasonable accommodation will be obvious and can be made without difficulty and at little or no cost. Frequently, the employee with a disability can suggest a simple change or adjustment based on his or her own life or work experience. The College will consult with the employee during its consideration of a reasonable accommodation request. However, when the employee does not know what accommodations are appropriate, the College will solicit this information from the employee's health care provider. The College reserves the right to determine whether it believes an accommodation is considered "reasonable" and/or "effective" in meeting the needs of the employee. For example, the College is not required to create and/or modify the duties and responsibilities assigned to a position in order to accommodate an employee with a disability. In addition to "reasonable" and "effective," "cost" is a criterion the College will consider in making its decision.

#### Service Animals

Under the law, "service animals" are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, remaining with a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task of a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the law.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the employee must maintain control of the animal through voice, signal, or other effective controls.

The College has established the following rules relating to Service Animals:

1. When it is not obvious what service an animal provides, only limited inquiries will be allowed. Staff may ask two questions: a) is the dog required because of a disability, and b) what work or task has the dog been trained to perform. Staff cannot ask about the employee's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
2. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and the employee who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms within the facility.
3. An employee with a disability cannot be asked to remove his or her service animal from the premises unless: a) the dog is out of control and the handler does not take effective action to control it, or b) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, the College must offer the employee with the disability the opportunity to work without the animal's presence.
4. Employees with disabilities who use service animals cannot be isolated from other employees or treated less favorably than other employees.
5. Staff are not required to provide care or food for a service animal.

## **12.8 Leave Without Pay**

Non-contract days, annual leave or sick leave, whichever is applicable, must be exhausted before an employee may take leave without pay. An employee may request in writing a leave of absence without pay, not to exceed ninety (90) calendar days supported by written documentation justifying the request. The request, duration of the leave, and any extension of leave without pay must be approved by the Vice President and the Human Resources Director. Extensions beyond the ninety (90) calendar day maximum, not to exceed an additional thirty (30) calendar days, may be requested but are not guaranteed. The business needs of the College will be the primary determinant in granting or denying the leave without pay request. If a leave without pay is granted, a temporary employee may be hired to backfill for the employee during the period of absence, if needed.

## **12.9 Bereavement Leave**

Permanent full-time and part-time employees will be granted bereavement leave with pay for a designated number of hours/days to attend funerals or memorials based on the following conditions:

1. The definition of "family member" is father, mother, spouse/recognized spouse, son, daughter, sister, brother, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, great grandparent, great grandchild. In-law and step relationships are similarly defined and are recognized as being a family member in relation to bereavement leave.
2. The family of the deceased may request the active participation of some employees during the funeral; as the honorary during the service, family speaker, sitter, casket maker, head cook, cook's helpers and pallbearer.
3. Employees that are non-family members and are not participants in the funeral/memorial but are considered friends of the deceased or the family, are eligible to attend the funeral/memorial.
4. Employees are expected to notify their immediate supervisor of the funeral/memorial and the requested bereavement leave to be taken; however, the employee that is a family member of the deceased may have someone call the supervisor to inform him/her of the death in the family. All other employees that are not part of the family are expected to call their supervisor directly to request funeral/bereavement leave benefits.
5. Approved bereavement leave with pay:
  - a. Family member: Up to four (4) days
  - b. Active participants: From eight (8) or fewer hours/up to three (3) days (depending on activity)
  - c. Non-family member: Up to four (4) hours\*

\*An eligible employee who is a non-family member of the deceased may request an exception to this four (4) hours limit in the event the deceased recognized the nonfamily member as part of his/her cultural family, and included this individual in cultural protocols proceeding and after death. Requests will be submitted to the appropriate vice president for recommendation to and approval by the President.
6. Part-time permanent employees will receive bereavement leave pro-rated based on the hours equivalent to a full-time work day.
7. Full-time and part-time permanent employees may request extended bereavement leave for additional days of absence beyond the approved time granted. If approved, the additional hours/days will be charged to non-contract days, annual leave or sick leave that has been accrued or leave without pay, at the employee's discretion.

#### **12.10 Indian Cultural Leave**

1. Full-time and part-time permanent employees are eligible to request the use of non-contract days or annual leave to participate in an Indian Cultural activity. Requests may be granted for a period of up to four (4) weeks. Approval for an extended period beyond the four (4) week

period may be granted by the employee's supervisor and the Vice President. Employees must first exhaust non-contract days and use non-contract days/annual or sick leave before taking leave without pay.

2. The employee is responsible for making known to his/her supervisor in advance the intention to request Indian cultural leave, including the type of leave, approximate dates and anticipated duration, in order to allow the department to make any necessary staffing adjustments. If the cultural event makes advance notification not possible for the employee, a family member may initiate the employee's request and obtain approval of leave from the employee's supervisor. If an Indian cultural leave request is granted, a temporary employee may be hired to backfill for the employee during the period of absence, if needed.

### **12.11 Maternity/Parental Leave**

A request for maternity/parental leave will be considered on the same basis as other requests for leave. Employees taking maternity/parental leave will utilize accrued leave in the following order until each one is depleted: sick leave, non-contract days, annual leave, and leave of absence without pay.

Maternity/parental leave is usually granted for a period of up to three (3) calendar months following delivery. Maternity/parental leave which exceeds the availability of accumulated non-contract days, sick and annual leave, resulting in the employee being placed on leave without pay, will not accrue additional leave as paid leave time.

1. Employees may request parental leave for purposes of caring for minor child(ren) or newborn or adopted child, or legal parental guardianships, for a period not to exceed three (3) calendar months following delivery/adoption.
2. The employee is responsible for making known in advance the intention to request maternity/parental leave, including the type of leave, approximate dates and anticipated duration, in order to make any necessary staffing adjustments. The employee's position may be filled on a temporary basis during the employee's absence.
3. Maternity/parental leave does not constitute a lay-off or permanent separation from the College. Employees are not permitted to apply for unemployment compensation benefits during such leave. Employees that are eligible for maternity/parental Leave are governed by the stipulations of the policy and which will run concurrent with family and medical leave as outlined in this Section.
4. Employees may also request up to four (4) weeks for the purpose of temporary adjustment and discontinuity resulting from foster care and/or short-term parental guardianship placements. Supervisors may grant such time as appropriate.

### **12.12 Reserve Military Leave**

1. Any employee who presents official orders to the College requiring him/her to report for training or other active duty as a member of the U. S. Armed Forces, Reserve Corps or State National Guard shall be entitled to military leave for a period not to exceed two (2) weeks/ten (10) working days per year inclusive of days that the employee would have been regularly scheduled to work. The employee will be entitled to re-employment rights up to one (1) year as long as he/she is on approved military leave.
2. Compensation for employees on approved military reserve leave will be equal to their regular salary minus their military salary for the period of reserve leave. Verification of military pay must be presented to the College prior to receiving compensation from the College. College compensation will not be made available to employees whose military pay exceeds their college pay or for those who fail to verify their military pay. An employee on military leave will continue to be covered under the health benefits plans enrolled in prior to the leave. Accruals of sick leave and annual leave will continue to accrue as if the employee were in active status.

### **12.13 Military Leave**

1. Military leave shall be granted to an employee who is called into active military duty in any branch of the U. S. Armed Forces, as prescribed by federal law.
2. Employees who volunteer for extended military service may reapply for the position they vacated or apply for a vacant position of equal status within ninety (90) calendar days of discharge.

### **12.14 Jury Duty**

All permanent full-time and part-time employees shall be granted leave with pay at their regular rate of pay if summoned for Jury Duty. The employee called for such duty shall advise their supervisor as soon as they are summoned.

The employee is expected to submit to his/her supervisor a copy of the jury summon. If an employee is dismissed from jury duty or is required to be a juror for only half of his/her normal work day, he/she may be required to report to work for the hours before jury duty or for the duration of the work day.



## **SECTION 13 - PERSONNEL RECORDS**

### **13.1 Personnel Files**

Personnel files of employees will remain confidential and secured. Human Resources is responsible for the proper maintenance, storage, and record keeping of personnel files. A personnel file will be created at the time of employment and will be considered the official depository of records and documents concerning an employee during the entire employment period.

### **13.2 Personnel File Retention**

Inactive personnel files will be retained in secure file storage for a period of seven (7) calendar years, after which time they will be confidentially destroyed. Personnel records/files containing job announcements, application materials, and the results of interviewing/selection processes are retained for a period of five (5) calendar years.

### **13.3 Access to Active Personnel Files**

The active personnel file of each employee will be kept confidential and accessible only to Human Resources, the employee's supervisor, Dean, Vice President and President. Supervisors and administrators in the employee's department may request information from an employee file in writing from Human Resources, as long as there is a legitimate reason for obtaining this information. The employee may review information in his/her personnel file in the presence of Human Resources personnel and request a copy of a document from his/her file, however, the employee cannot remove any original documents from Human Resources.

An employee who feels that his/her personnel file is incomplete or inaccurate may request in writing that Human Resources review the contents of his/her file. Upon review, Human Resources will determine whether a document may be added to or removed from the employee's personnel file. If the employee is not satisfied with the determination of Human Resources, he/she may have a written statement placed in his/her personnel file.

Personnel records can be offered as evidence that the College applies fair employment practices and follows personnel policies in responding to legal matters. Human Resources may be compelled to release information from an employee's personnel file in response to a subpoena or other court initiated document. If this occurs, the employee will be notified by Human Resources.

### **13.4 Access to Inactive Personnel Files**

A supervisor who has a position vacancy posted for recruitment for which an active and/or former employee has submitted his/her application may access a current or former employee's personnel file in the presence of Human Resources. Documents to be reviewed include those related to performance evaluations, corrective action/progressive discipline, and application materials and/or employment history. If, based on the review, the supervisor determines there is a legitimate reason for not considering the employee for a particular vacancy; his/her determination will be approved by the Human Resources Director.

### **13.5 Employment Inquiries**

Written inquiries pertaining to employment records, such as verifications of employment and salary, are to be directed to Human Resources. Human Resources will provide only appropriate information, such as employment start and ending dates, and position(s) held, unless a written release of information is signed by the current/former employee. However, the College will not release wage information requested from a state court in garnishment cases, per Lummi Indian Business Council directive.

## **SECTION 14 - CORRECTIVE ACTION AND PROGRESSIVE DISCIPLINE/GRIEVANCE PROCEDURE**

The College has established expectations and standards regarding professional behavior, conduct and performance of all employees as outlined in Sections 2, 3 and 7 of this Manual. It is expected that supervisors will begin the process of addressing concerns regarding employee adherence to these standards and expectations using a positive and constructive approach.

In the event a positive and constructive approach is not achieving the desired results, the College will take necessary steps to improve and/or address unsatisfactory employee performance. These steps will include the implementation of corrective action and/or progressive discipline as defined below. Supervisors are expected to complete training on the proper methods to be used to administer this Section.

1. "Corrective Action" is defined as "a process designed to provide an employee with clear, constructive and documented supervisory feedback and coaching necessary to address and correct performance at increasingly frequent intervals." Corrective action includes memorandums documenting coaching sessions. In the event that corrective action has not been successful in achieving the necessary improvement to correct the performance, the employee will be subject to progressive discipline.
2. "Progressive Discipline" is defined as "a process to address and correct employee performance through formal, documented and progressive steps, which includes providing an employee notice of the consequences of his/her failure to correct his/her performance or behavior". Progressive discipline includes verbal warnings reduced to writing, written reprimands, suspensions without pay, and discharge.

### **14.1 Progression from Corrective Action to Progressive Discipline**

The College will apply the concept of "just cause" in determining appropriate actions to be taken, which is defined as "reasonable and lawful grounds for action." Preventative measures should be taken by supervisors to minimize the need to impose progressive discipline, including setting clear performance expectations, having written policies, procedures and work rules in place and communicated to employees, promoting communications between the supervisor and the employee, and maintaining an open door policy to hear and discuss any concerns that employees may have.

Generally, a minimum of thirty (30) calendar days will lapse between the issuance of penalties for the first, second and third offenses, unless extenuating circumstances warrant the implementation of action prior to the conclusion of the thirty (30) calendar day period.

The College may, at its discretion, advance in the progression of action taken in a given situation. In order for this to occur, however, the supervisor will document and discuss the reasons for this action with the Human Resources Director in advance of making a disciplinary recommendation to the appropriate Vice President for approval.

A supervisor will have the discretion to take corrective action as the first step in improving and/or addressing unsatisfactory performance, as stated above. These corrective actions will be

documented and a copy maintained in the supervisory file. In the event there are no further incidents or continued performance problems, the matter will be resolved at the corrective action step and will not proceed to progressive discipline. However, in the event there are continued concerns, the supervisor may proceed with progressive discipline as outlined below.

Step One: Verbal Warning Documented in Writing

A verbal warning documented in writing is issued as the first step in progressive discipline. The supervisor is required to document the date, time, and the discussion that took place when he/she informed the employee of a concern, and the supervisor's expectation for sufficient improvement within a minimum of thirty (30) calendar days. If the employee does not make sufficient and necessary improvements in his/her performance within the thirty (30) day period, he/she may be issued a written reprimand.

Step Two: Written Reprimand

In the event an employee has previously been issued a verbal warning documented in writing and failed to correct his/her performance, the supervisor will document the offenses in writing and notify the Human Resources Director. The Human Resources Director will prepare a written reprimand which will include a statement that informs the employee of the consequences of his/her failure to correct their performance, including suspension or discharge. The supervisor will issue the written reprimand prepared by the Human Resources Director to the employee.

In the event an employee accumulates two (2) or more written reprimands within thirty (30) calendar days or at the same time, with the same or similar types of performance deficiencies, the level of progressive discipline to be imposed will be determined by the Vice President in consultation with the Human Resources Director.

Step Three: Suspension Without Pay

In the event that an employee's performance has not sufficiently improved following the issuance of a verbal warning documented in writing and a written reprimand, or the performance is determined to be serious and/or in violation of college policy, the appropriate Vice President, in consultation with the Human Resources Director, may impose a suspension without pay. This action will be documented in a letter to the employee prepared by the Human Resources Director, including notice to the employee of the consequences of his/her failure to correct his/her performance may result in discharge. The Human Resources Director will be present at the meeting with the employee when the suspension without pay is imposed, unless he/she is not available.

Prior to imposing progressive discipline involving suspension or discharge, the employee will be informed of the reasons for the action to be taken and the employee will be afforded an opportunity to provide any additional information that he/she would like to be considered prior to a final decision being made. Once this information is considered, if requested by the employee, the College may proceed with the progressive discipline.

#### Step Four: Discharge from Employment

In the event that an employee's performance has not sufficiently improved following the issuance of a verbal warning documented in writing, a written reprimand, and suspension without pay, or is determined to be serious and in violation of College policy, the employee may be discharged from employment. All written documentation relating to previous progressive discipline imposed and any continued performance concerns will be provided to the Human Resources Director. The President will be notified of all suspensions without pay and discharges prior to the action being taken, if at all possible.

### **14.2 Authority to Impose Corrective Action and Progressive Discipline**

A supervisor may impose verbal warnings documented in writing and written reprimands as approved by the appropriate Vice President and the Human Resources Director. In the event an employee fails to make sufficient performance improvements and discharge is a potential result, the supervisor will notify the Human Resources Director and the appropriate Vice President. A recommendation for discharge and a discharge letter will be prepared by the Human Resources Director and will be forwarded along with any other pertinent materials to the appropriate Vice

President for his/her review and approval. The appropriate Vice President will inform the President of the action being taken and obtain the President's approval of the discharge. The appropriate Vice President will conduct the discharge meeting with the employee and the Human Resources Director will be present, unless he/she is not available.

### **14.3 Grievance Procedure**

#### 1. Definition and Eligibility

A "grievance" is defined as an allegation by an employee that:

- a. Section 14 has been violated by an employee as a result of the issuance of progressive discipline. An employee may not grieve a corrective action issued by a supervisor under this Section.
- b. A personnel policy has resulting in an adverse impact on the employee. Complaints that do not meet this definition will not be considered under this procedure.

Employees eligible to file a grievance include full-time and part-time permanent employees. Temporary and probationary employees may not file a grievance.

An employee who initiates a grievance shall be treated in a fair and impartial manner, without threat of discrimination or retaliation. In the event an employee feels that he/she has been subjected to such treatment, he/she is expected to pursue the matter with the Human Resources Director in a timely fashion.

2. Pre-Grievance Step

Prior to initiating the formal grievance process, the employee and his/her immediate supervisor are encouraged to have a discussion in an attempt to resolve the concern/issue giving rise to the grievance. This discussion constitutes the "pre-grievance" step. If the issue is not resolved, the employee initiates the grievance process.

3. Grievance Response Timelines

Timelines for issuing a response to the grievance at the various steps outlined in the Grievance Procedure may be extended under extenuating circumstances with agreement between the employee (grievant) and his/her supervisor.

4. Internal Administrative Grievance Review

An employee may submit a written grievance to his/her supervisor within five (5) working days of the notification of progressive discipline. The supervisor must provide a written response within five (5) working days of receiving the employee's written grievance.

If the employee is dissatisfied with the supervisor's response to his/her grievance, the employee may grieve to the next level of authority, up to and including the appropriate vice president. The individual receiving the grievance at the next level shall review all documentation and meet with the employee to discuss the grievance. The Human Resources Director will attend grievance meetings. The employee shall be notified of the decision in writing within five (5) working days of receipt of the grievance.

5. Grievance Committee Meeting

If the grievance is not resolved at the supervisory and higher levels within an office or department to the satisfaction of the employee, the employee must submit within five (5) working days of receipt of the last grievance decision response a request to Human Resources Director for a Grievance Committee meeting.

6. Composition of Grievance Committee

The Grievance Committee shall consist of a representative from each job classification serving on the Personnel Policy Committee (administrative, exempt, full-time (nine month) faculty, and classified staff) in addition to one more representative from the employee's job classification will be represented on the committee. However, a committee representative who works in the same department as the grievant and/or has had involvement in the matter coming before the Grievance Committee will recuse himself/herself from the committee meeting for this specific grievance.

7. Parties to Grievance Committee Meeting

Other staff to be present during the Grievance Committee meeting will include the Human Resources Director, the employee filing the grievance, the supervisor/other individual who allegedly violated personnel policy and/or issued the progressive discipline, the employee's supervisor, and the appropriate vice president. The employee filing the grievance may have another college staff member present at the Grievance Committee meeting to support, but not represent, the employee during the process.

8. Grievance Procedure

Step One: Notification of Appointment and Scheduling of Meeting

Within five (5) working days of receipt of the grievance, the Human Resources Director will notify Grievance Committee members of their appointment as representatives. The Human Resources Director will schedule the Grievance Committee meeting and notify the parties of the meeting.

Step Two: Selection of Chair and Record Keeper

The Grievance Committee will select a chair from among its members to preside at the meeting and a committee member to document the meeting. Human Resources will assist in preparing a written record of the meeting.

Step Three: Grievance Meeting

The Grievance Committee will consider all available documentation pertinent to the alleged personnel policy violation/progressive discipline. The employee filing the grievance will have an opportunity to present information in support of his/her grievance, and the supervisor who allegedly violated the personnel policy or issued the progressive discipline will have an opportunity to respond. In the event the Grievance Committee needs further clarification or additional information, an extension of the deadline for a decision by the Grievance Committee may be agreed upon at the meeting.

Step Four: Grievance Committee Decision

Following the meeting, the Grievance Committee will issue its decision by a majority vote. A written decision, signed by the chairperson, is to be submitted to the Human Resources Director within five (5) working days from the date the grievance meeting was held. The Human Resources Director will provide the employee a copy of the decision within five (5) working days from the date the decision was obtained.

Step Five: President's Review and Decision

The Grievance Committee will have five (5) working days from the date the decision was rendered to present documentation to the President. The President will review all documents

and the committee's decision and meet with the employee, the supervisor involved, the appropriate Vice President and the Human Resources Director. The President has five (5) working days after receiving the documentation to meet with all of the parties, unless scheduling conflicts occur. The President will reach a decision and notify the employee, his/her immediate supervisor, the Vice President and the Human Resources Director. The President's decision will be final.

#### Resolution and/or Withdrawal of Grievance

1. An employee may withdraw his/her grievance in writing at any time during the grievance process. Withdrawing the grievance will be construed as an acceptance of the action taken by the supervisor and no further action will be taken on the grievance.
2. An employee who voluntarily resigns while his/her grievance is pending or is in progress will have withdrawn his/her grievance.



## **SECTION 15 - SEPARATION FROM EMPLOYMENT**

### **15.1 Voluntary Resignation**

All voluntary resignations of college employees are required to be in writing and submitted to the employee's supervisor and a copy provided to Human Resources. Notice periods are as follows:

1. Classified staff voluntary resignations require a minimum of two (2) weeks (10 working days) written notice. However, if there are unusual circumstances, the supervisor and the resigning employee may agree to a notice period of less than two (2) weeks. Prior to the employee's resignation effective date, a classified staff member may use or be compensated for his/her remaining accrued vacation leave. Sick leave is not to be paid out to a resigning employee under any circumstances.
2. Administrative employee voluntary resignations are required to be in writing and submitted thirty (30) calendar days prior to the employee's last work day. However, if there are unusual circumstances, the supervisor and the resigning employee may agree to a notice period of less than thirty (30) calendar days. Under no circumstances are administrative employees paid for any unused accrued sick leave.
3. Exempt employee voluntary resignations are required to be in writing and submitted thirty (30) calendar days prior to the employee's last work day. However, if there are unusual circumstances, the supervisor and the resigning employee may agree to a notice period of less than thirty (30) calendar days. Under no circumstances are exempt employees paid for any unused accrued sick leave.
4. At the discretion of the College and if sufficient funding is available, administrative and exempt employees who have submitted voluntary resignations are eligible 1) to be paid out their unused non-contract days, to a maximum of forty (40) hours, as long as they leave the College in good standing, including providing adequate notice consistent with this Section, or 2) extend their resignation date up to forty (40) hours in order to use accrued leave/non-contract days prior to their last day of employment.
5. Faculty resignations will be accepted only at the conclusion of an instructional quarter, and submitted with a minimum of one (1) month notice to the Dean for Academics and Distance Learning. Final compensation will not be provided to a faculty member until grades have been submitted.

### **15.2 Departures from College Facility for Involuntary Discharge**

Unless other arrangements have been made between the employee and the supervisor, a departing employee is expected to leave college property immediately after he/she has given his/her immediate supervisor or Human Resources all items belonging to the College that have been in possession of the employee. The College may take actions that may be necessary to obtain items that belong to the

College from the employee, including delaying the issuance of final compensation until the items are returned.

### **15.3 Supervisor's Responsibility**

The supervisor of the employee that has submitted a notice of resignation is responsible for completing a Personnel Action Form (PAF) available in Human Resources. Completion of the PAF assists the supervisor in ensuring that all of the necessary tasks are performed in processing an employee's active employment (i.e., completing forms, returning keys and turning in equipment). Human Resources will be notified as soon as possible when a notice of resignation is received.

### **15.4 Exit Interview**

Full-time and part-time permanent employees are invited to complete an Exit Interview form and submit it to the Human Resource Director, who will schedule the requested exit interview with the departing employee during the employee's last week of work. The purpose of the exit interview is to assist the College in obtaining information that can be used to improve employee retention, provide a quality of work life for employees, and to identify workplace trends. The Human Resources Director will review submitted forms and maintain them in a confidential file in his/her office, but not in the employee's official personnel file. The information contained in the forms remains confidential and anonymous unless the College is obligated to report unlawful conduct under federal or tribal laws and regulations.

### **15.5 Eligibility for Rehire**

At the discretion of the President, employees may be rehired resulting from a competitive hiring process under the following circumstances:

1. In the event a former employee either voluntarily resigned from the College in good terms or was subject to a reduction-in-force decision, layoff or job elimination at no fault of their own, had acceptable performance evaluations during his/her employment and there is a position for which he/she is still qualified, the employee is eligible to apply for a position vacancy.
2. If an employee was terminated for attendance generally he/she is eligible to reapply for employment after ninety (90) calendar days after termination, if the employee can provide proof that he/she resolved the issues that caused the poor attendance.
3. The rehire of former employees who were terminated for poor performance not related to attendance may be determined on a case-by-case basis by the Vice President who discharged the employee and with final approval by the President. The Human Resources Director will review the employee's personnel records to determine if the discharge was attributed to inadequate job skills, experience or expertise that could have been resolved in the time between termination and consideration for rehire.

Former employees whose discharge reasons included policy violations outlined in Section 14, such as but not limited to workplace violence, insubordination, discriminatory or harassing behavior, theft or embezzlement and any ethics violations, are not eligible for rehire.

#### **15.6 Layoff and Reduction-In-Force**

Layoff is defined as the discharge of employment due to financial constraints such as the end of a grant or institutional funding; abolishment of a position due to the curtailment or abolishment of one or more programs or functions; or a shortage of work and/or a material change in job duties. Any employee may be laid off at any time with the appropriate notification consistent with his/her at-will employment status. Contract employees may be terminated upon the College's decision to not renew their employment contract.

Employees identified for layoff will be at the sole discretion of the College. The Vice President will submit a recommendation for layoff to be reviewed by the Human Resources Director. The Human Resources Director will review the recommendation and submit it to the President for approval. If the layoff is approved, the Human Resources Director will notify the affected employee in writing. Layoff actions will not be subject to the Grievance Procedure in Section 14.

The College may, as an alternate to layoff of an employee, place the affected employee in an available and vacant position for which he/she is qualified.

## **APPENDIX A**

### **SALARY SCHEDULES**

## 2016 ADMINISTRATIVE SALARY SCHEDULE ANNUAL

Approved by Board of Trustees - June 10, 2015

Effective July 1, 2015

*Step increase calculated at \$649 per step - rounded to nearest dollar*

Column	A	B	C	D	E	F	G	H
Step								
0	29,546	32,725	39,089	45,450	51,813	58,145	59,888	65,267
1	30,195	33,374	39,738	46,099	52,462	58,794	60,537	65,916
2	30,844	34,023	40,387	46,748	53,111	59,443	61,186	66,565
3	31,493	34,672	41,036	47,397	53,760	60,092	61,835	67,214
4	32,142	35,321	41,685	48,046	54,409	60,741	62,484	67,863
5	32,791	35,970	42,334	48,695	55,058	61,390	63,133	68,512
6	33,440	36,619	42,983	49,344	55,707	62,039	63,782	69,161
7	34,089	37,268	43,632	49,993	56,356	62,688	64,431	69,810
8	34,738	37,917	44,281	50,642	57,005	63,337	65,080	70,459
9	35,387	38,566	44,930	51,291	57,654	63,986	65,729	71,108
10	36,036	39,215	45,579	51,940	58,303	64,635	66,378	71,757
11	36,685	39,864	46,228	52,589	58,952	65,284	67,027	72,406
12	37,334	40,513	46,877	53,238	59,601	65,933	67,676	73,055
13	37,983	41,162	47,526	53,887	60,250	66,582	68,325	73,704
14	38,632	41,811	48,175	54,536	60,899	67,231	68,974	74,353
15	39,281	42,460	48,824	55,185	61,548	67,880	69,623	75,002
16	39,930	43,109	49,473	55,834	62,197	68,529	70,272	75,651
17	40,579	43,758	50,122	56,483	62,846	69,178	70,921	76,300
18	41,228	44,407	50,771	57,132	63,495	69,827	71,570	76,949
19	41,877	45,056	51,420	57,781	64,144	70,476	72,219	77,598
20	42,526	45,705	52,069	58,430	64,793	71,125	72,868	78,247
21	43,175	46,354	52,718	59,079	65,442	71,774	73,517	78,896
22	43,824	47,003	53,367	59,728	66,091	72,423	74,166	79,545
23	44,473	47,652	54,016	60,377	66,740	73,072	74,815	80,194
24	45,122	48,301	54,665	61,026	67,389	73,721	75,464	80,843
25	45,771	48,950	55,314	61,675	68,038	74,370	76,113	81,492

## 2016 FACULTY SALARY SCHEDULE ANNUAL

Approved by Board of Trustees - June 1, 2016

Effective July 1, 2016

*Step increase calculated at \$613 per step - rounded to nearest dollar*

Column	A	B	C	D	E	F	G	H	I	J
Step	BA	BA+20	MA(eq)	MA+20	MA+40	MA+60	MA+80	MA+100	MA+120	Ph.D.
0	31,685	32,351	33,014	33,678	34,345	35,005	35,668	36,333	36,998	37,661
1	32,298	32,964	33,627	34,291	34,958	35,618	36,281	36,946	37,611	38,274
2	32,911	33,577	34,240	34,904	35,571	36,231	36,894	37,559	38,224	38,887
3	33,524	34,190	34,853	35,517	36,184	36,844	37,507	38,172	38,837	39,500
4	34,137	34,803	35,466	36,130	36,797	37,457	38,120	38,785	39,450	40,113
5	34,750	35,416	36,079	36,743	37,410	38,070	38,733	39,398	40,063	40,726
6	35,363	36,029	36,692	37,356	38,023	38,683	39,346	40,011	40,676	41,339
7	35,976	36,642	37,305	37,969	38,636	39,296	39,959	40,624	41,289	41,952
8	36,589	37,255	37,918	38,582	39,249	39,909	40,572	41,237	41,902	42,565
9	37,202	37,868	38,531	39,195	39,862	40,522	41,185	41,850	42,515	43,178
10	37,815	38,481	39,144	39,808	40,475	41,135	41,798	42,463	43,128	43,791
11	38,428	39,094	39,757	40,421	41,088	41,748	42,411	43,076	43,741	44,404
12	39,041	39,707	40,370	41,034	41,701	42,361	43,024	43,689	44,354	45,017
13	39,654	40,320	40,983	41,647	42,314	42,974	43,637	44,302	44,967	45,630
14	40,267	40,933	41,596	42,260	42,927	43,587	44,250	44,915	45,580	46,243
15	40,880	41,546	42,209	42,873	43,540	44,200	44,863	45,528	46,193	46,856
16	41,493	42,159	42,822	43,486	44,153	44,813	45,476	46,141	46,806	47,469
17	42,106	42,772	43,435	44,099	44,766	45,426	46,089	46,754	47,419	48,082
18	42,719	43,385	44,048	44,712	45,379	46,039	46,702	47,367	48,032	48,695
19	43,332	43,998	44,661	45,325	45,992	46,652	47,315	47,980	48,645	49,308
20	43,945	44,611	45,274	45,938	46,605	47,265	47,928	48,593	49,258	49,921
21	44,558	45,224	45,887	46,551	47,218	47,878	48,541	49,206	49,871	50,534
22	45,171	45,837	46,500	47,164	47,831	48,491	49,154	49,819	50,484	51,147
23	45,784	46,450	47,113	47,777	48,444	49,104	49,767	50,432	51,097	51,760
24	46,397	47,063	47,726	48,390	49,057	49,717	50,380	51,045	51,710	52,373
25	47,010	47,676	48,339	49,003	49,670	50,330	50,993	51,658	52,323	52,986

## 2016 EXEMPT SALARY SCHEDULE ANNUAL

Approved by Board of Trustees - June 10, 2015

Effective July 1, 2015

*Step increase calculated at \$649 per step - rounded to nearest dollar*

Column	A	B	C	D	E	F	G	H	I	J
Step										
0	27,966	29,350	31,004	32,658	34,312	35,968	37,622	39,276	40,930	42,584
1	28,615	29,999	31,653	33,307	34,961	36,617	38,271	39,925	41,579	43,233
2	29,264	30,648	32,302	33,956	35,610	37,266	38,920	40,574	42,228	43,882
3	29,913	31,297	32,951	34,605	36,259	37,915	39,569	41,223	42,877	44,531
4	30,562	31,946	33,600	35,254	36,908	38,564	40,218	41,872	43,526	45,180
5	31,211	32,595	34,249	35,903	37,557	39,213	40,867	42,521	44,175	45,829
6	31,860	33,244	34,898	36,552	38,206	39,862	41,516	43,170	44,824	46,478
7	32,509	33,893	35,547	37,201	38,855	40,511	42,165	43,819	45,473	47,127
8	33,158	34,542	36,196	37,850	39,504	41,160	42,814	44,468	46,122	47,776
9	33,807	35,191	36,845	38,499	40,153	41,809	43,463	45,117	46,771	48,425
10	34,456	35,840	37,494	39,148	40,802	42,458	44,112	45,766	47,420	49,074
11	35,105	36,489	38,143	39,797	41,451	43,107	44,761	46,415	48,069	49,723
12	35,754	37,138	38,792	40,446	42,100	43,756	45,410	47,064	48,718	50,372
13	36,403	37,787	39,441	41,095	42,749	44,405	46,059	47,713	49,367	51,021
14	37,052	38,436	40,090	41,744	43,398	45,054	46,708	48,362	50,016	51,670
15	37,701	39,085	40,739	42,393	44,047	45,703	47,357	49,011	50,665	52,319
16	38,350	39,734	41,388	43,042	44,696	46,352	48,006	49,660	51,314	52,968
17	38,999	40,383	42,037	43,691	45,345	47,001	48,655	50,309	51,963	53,617
18	39,648	41,032	42,686	44,340	45,994	47,650	49,304	50,958	52,612	54,266
19	40,297	41,681	43,335	44,989	46,643	48,299	49,953	51,607	53,261	54,915
20	40,946	42,330	43,984	45,638	47,292	48,948	50,602	52,256	53,910	55,564
21	41,595	42,979	44,633	46,287	47,941	49,597	51,251	52,905	54,559	56,213
22	42,244	43,628	45,282	46,936	48,590	50,246	51,900	53,554	55,208	56,862
23	42,893	44,277	45,931	47,585	49,239	50,895	52,549	54,203	55,857	57,511
24	43,542	44,926	46,580	48,234	49,888	51,544	53,198	54,852	56,506	58,160
25	44,191	45,575	47,229	48,883	50,537	52,193	53,847	55,501	57,155	58,809

## 2016 CLASSIFIED STAFF SALARY SCHEDULE ANNUAL

Approved by Board of Trustees - June 10, 2015

Effective July 1, 2015

*Step increase calculated at \$536 per step - rounded to nearest dollar*

Column	A	B	C	D	E	F	G	H	I	J
Step										
<b>Prob</b>	21,306	23,054	24,824	26,573	28,321	30,069	31,839	33,587	35,344	37,101
<b>0</b>	21,842	23,590	25,360	27,109	28,857	30,605	32,375	34,123	35,880	37,637
<b>1</b>	22,378	24,126	25,896	27,645	29,393	31,141	32,911	34,659	36,416	38,173
<b>2</b>	22,914	24,662	26,432	28,181	29,929	31,677	33,447	35,195	36,952	38,709
<b>3</b>	23,450	25,198	26,968	28,717	30,465	32,213	33,983	35,731	37,488	39,245
<b>4</b>	23,986	25,734	27,504	29,253	31,001	32,749	34,519	36,267	38,024	39,781
<b>5</b>	24,522	26,270	28,040	29,789	31,537	33,285	35,055	36,803	38,560	40,317
<b>6</b>	25,058	26,806	28,576	30,325	32,073	33,821	35,591	37,339	39,096	40,853
<b>7</b>	25,594	27,342	29,112	30,861	32,609	34,357	36,127	37,875	39,632	41,389
<b>8</b>	26,130	27,878	29,648	31,397	33,145	34,893	36,663	38,411	40,168	41,925
<b>9</b>	26,666	28,414	30,184	31,933	33,681	35,429	37,199	38,947	40,704	42,461
<b>10</b>	27,202	28,950	30,720	32,469	34,217	35,965	37,735	39,483	41,240	42,997
<b>11</b>	27,738	29,486	31,256	33,005	34,753	36,501	38,271	40,019	41,776	43,533
<b>12</b>	28,274	30,022	31,792	33,541	35,289	37,037	38,807	40,555	42,312	44,069
<b>13</b>	28,810	30,558	32,328	34,077	35,825	37,573	39,343	41,091	42,848	44,605
<b>14</b>	29,346	31,094	32,864	34,613	36,361	38,109	39,879	41,627	43,384	45,141
<b>15</b>	29,882	31,630	33,400	35,149	36,897	38,645	40,415	42,163	43,920	45,677
<b>16</b>	30,418	32,166	33,936	35,685	37,433	39,181	40,951	42,699	44,456	46,213
<b>17</b>	30,954	32,702	34,472	36,221	37,969	39,717	41,487	43,235	44,992	46,749
<b>18</b>	31,490	33,238	35,008	36,757	38,505	40,253	42,023	43,771	45,528	47,285
<b>19</b>	32,026	33,774	35,544	37,293	39,041	40,789	42,559	44,307	46,064	47,821
<b>20</b>	32,562	34,310	36,080	37,829	39,577	41,325	43,095	44,843	46,600	48,357
<b>21</b>	33,098	34,846	36,616	38,365	40,113	41,861	43,631	45,379	47,136	48,893
<b>22</b>	33,634	35,382	37,152	38,901	40,649	42,397	44,167	45,915	47,672	49,429
<b>23</b>	34,170	35,918	37,688	39,437	41,185	42,933	44,703	46,451	48,208	49,965
<b>24</b>	34,706	36,454	38,224	39,973	41,721	43,469	45,239	46,987	48,744	50,501
<b>25</b>	35,242	36,990	38,760	40,509	42,257	44,005	45,775	47,523	49,280	51,037