

# NIMIIPUU HEALTH



## Human Resources Manual

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# Nimiipuu Health Human Resources Manual

## Table of Contents

### SECTION 1: OVERVIEW

1.1	History of Nimiipuu Health .....	1
1.2	Sovereign Immunity.....	1
1.3	Purpose and Intent of Human Resources Manual.....	1
1.4	Human Resources Manual Revision.....	2

### SECTION 2: HUMAN RESOURCES

2.1	Classification of Employees .....	2
2.2	Tribal/Indian Preference .....	4
2.3	Veterans Preference .....	5
2.4	Recruitment and Application.....	5
2.5	Screening, Interviews and Initial Appointments .....	6
2.6	Internal Transfer .....	7
2.7	Temporary Recruitment/Appointments.....	8
2.8	Introductory Period for New Employees .....	9
2.9	Performance and Evaluation .....	9
2.10	Evaluation Results .....	10
2.11	Prohibition of Harassment, Discrimination and Disruptive Behavior	10
2.12	Drugs, Alcohol and Smoke Free Workplace .....	11
2.13	Dress Code .....	12
2.14	Credentialing for Medical/Dental Providers.....	12

### SECTION 3: SALARY AND PAYROLL ADMINISTRATION

3.1	Wage and Salary Schedule .....	13
3.2	Salary Increases/Raises .....	14
3.3	Position Re-grading Reclassification.....	14
3.4	Pay Periods and Procedures .....	15

3.5	Over-time for Non-Exempt Employees.....	15
3.6	Flex-time .....	15

**SECTION 4: GENERAL POLICIES GOVERNING PERSONNEL**

4.1	Work Hours and Attendance .....	15
4.2	Travel .....	16
4.3	Nepotism .....	16
4.4	Political Activity .....	17
4.5	Receipts of Favors or Gifts/Conflicts of Interest.....	17
4.6	No Solicitation for Personal Gain.....	17
4.7	Visitors/Guests .....	17
4.8	Resignation Voluntary Termination of Employment.....	18
4.9	Dismissal/Involuntary Termination of Employment .....	18
4.10	Exit Interviews.....	19
4.11	Reduction in Force/Abolishment of Position(s).....	19
4.12	Death .....	19
4.13	Confidential Information .....	20
4.14	Prevention of Patient/Client Abuse .....	20
4.15	Request for Employment References .....	21
4.16	Furloughs.....	21

**SECTION 5: EMPLOYEE RELATIONS**

5.1	General Conduct .....	22
5.2	E-mail, Voice mail, Internet Access.....	23
5.3	Social Media Policy Internal/External.....	24
5.4	Committee Involvement .....	24
5.5	Discipline – General Guidelines .....	24
5.6	Infraction and Discipline Guidelines .....	25
5.7	Grievance Procedure .....	29
5.8	Criminal or Job History Background Checks .....	32

5.9	Health & Safety Practices .....	32
5.10	Incident Reports.....	33
5.11	Employee Physical Examinations .....	33
5.12	Conflict of Interest .....	34
5.13	Whistleblower Policy.....	34

**SECTION 6: PERSONNEL BENEFITS AND SERVICES**

6.1	Fringe Benefits .....	35
6.2	Holidays/Nez Perce Tribal War Memorials Observed.....	35
6.3	Administrative Leave .....	36
6.4	Personal Time-Off (PTO) .....	36
6.5	Benefit Conversion .....	37
6.6	Payment of PTO Balance upon Termination of Employment...	38
6.7	Donation of PTO .....	38
6.8	Requesting PTO Donation .....	38
6.9	PTO Donation Process .....	38
6.10	Sick Leave .....	39
6.11	Family Leave Policy .....	39
6.12	Uniformed Services Leave and Re-Employment .....	40
6.13	Continuing Education Leave for Job Related Training .....	41
6.14	Short Term Training or Certification/Licensure Upgrades.....	42
6.15	Jury Duty .....	42
6.16	Leave without Pay .....	42
6.17	Emergency Leave .....	43
6.18	General Leave Policy.....	43
	Nez Perce Tribe Hazard Pay Policy.....	44

**SECTION 7: GLOSSARY .....** 46



## **SECTION 1: OVERVIEW**

### **1.1 HISTORY OF NIMIIPUU HEALTH**

On November 1, 1997, Nimiipuu Health (NMPH) assumed responsibility for providing services to the American Indian and Alaska Native populations on or near the Nez Perce Indian Reservation, under P.L. 93638. In 2000, after three years of successful operation, a Self-Governance compact was negotiated, indicating the maturity of the program.

Ambulatory health care services are available through two accredited facilities in Lapwai and Kamiah, Idaho. Purchased Referred Care (PRC) funding provides for continuity of care of both ambulatory and inpatient services not available at the Health Centers. This requires prior approval for those individuals eligible for PRC services.

### **1.2 SOVEREIGN IMMUNITY**

Indian Tribes are separate, sovereign nations existing within borders of the United States. Their sovereign status is only subordinate to the plenary power of the Federal Government and is not subordinate to the States. One aspect of the Indian Tribe's separate, sovereign status is its immunity to private lawsuits. Here at NMPH, this means that no private legal action can be taken against the Tribe in state, federal or tribal courts unless the Tribe agrees expressly in writing to the suit, or Congress passes legislation modifying the Tribe's sovereignty in regard to a specific legal issue. Nothing in this manual constitutes or should be interpreted as constituting a waiver of the Tribe's Sovereign immunity.

### **1.3 PURPOSE AND INTENT OF HUMAN RESOURCES MANUAL**

It is the policy of the NMPH to comply with the following basic procedures and requirements in the regular operations of the clinic.

**1.3.1** The Human Resources Manual is designed to assist NMPH in resolving personnel-related issues. The primary purpose of the policies is to give maximum support to the goals and objectives of NMPH.

**1.3.2** This manual is designed to inform staff of the policies and procedures and other general employment information. All questions cannot be answered in his manual. Employees are encouraged to raise any questions regarding this manual to their supervisor or other appropriate management staff.

**1.3.3** All NMPH employees shall familiarize themselves with this manual and keep a copy for reference. It is the responsibility of the Executive Director to ensure that any changes in the manual are communicated to staff and that each staff member signs a statement that they have received a copy of the revision and are responsible for its contents. This manual has been prepared to provide employees with general guidelines on what NMPH expects from you and what you can expect from NMPH. The primary purpose is to give maximum support to the goals and objectives of the organization whose mission is to provide quality health care in a culturally sensitive and confidential setting.

Limitations in grant funding for particular departments and programs or particular grantor agency regulations or provider certifications and licensing requirements can supersede policies contained herein.

This manual is not intended to create any type of contract or guarantee of continued employment. NMPH, in its sole discretion, reserves the right to modify, revoke, suspend, terminate, or change any or all plans, policies, and guidelines, processes described in whole or in part, at any time, with or without notice. All prior manuals, parts of manuals, or unwritten policies and/or practices containing Human Resources policies are superseded.

#### **1.4 HUMAN RESOURCES MANUAL REVISION**

The Human Resources Manager is responsible for the maintenance of this manual and the management of the revision process.

**1.4.1** Employees may recommend revisions to the manual by submitting them to his/her immediate supervisor with a copy to Human Resources (HR). The supervisor shall forward the recommended revision to the HR office and the Human Resources Manual Review Committee. The Human Resources Manual Review Committee shall, after reviews, present the recommended written/revisions to the Management Team for review and recommendation to the NMPH Governing Body for approval by resolution.

**1.4.2** With NMPH Governing Body approval by resolution, the Executive Director is responsible for the administration of the revision process with the NMPH Governing Body. It is the responsibility of the Executive Director and supervisors to ensure that any changes to the manual are communicated to staff and that each staff member signs a statement that they have received a copy of the revision and are responsible for its content.

## **SECTION 2: HUMAN RESOURCES**

### **2.1 CLASSIFICATION OF EMPLOYEES**

Employees of NMPH will fall into one or more of the following classifications. Some of the classifications presented are modeled after the federal wage and hour laws but do not necessarily mirror them.

All employees are designated as either non-exempt or exempt under NMPH wage and hour policy. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

**2.1.1 Non-exempt employees** are employees who are eligible for the minimum wage and overtime provisions described in the Fair Labor Standards Act (FLSA). Although the Nez Perce Tribe's position is that the FLSA is not applicable to Federally Recognized Tribes the Nez Perce Tribe uses it as a guideline.

**2.1.2 Exempt employees** are generally managers or professional, administrative or technical staff who are exempt from minimum wage and overtime provisions. Although the NMPH is not subject to the United States' FLSA, as a matter of convenience, Exempt employees hold jobs that meet the standards and criteria established for exemption under the United States' FLSA. Adoption of the federal standards may not be construed as a waiver of the Tribe's sovereignty or immunity from suit.

**2.1.3 NMPH has established the following categories for both non-exempt and exempt employees:**

- **Regular, full time:** Employees who are not in a temporary status and who are regularly scheduled to work thirty or more hours per week on a year-round basis.
- **Temporary, full time:** Employees who are hired for a term of more than sixty days who are regularly scheduled to work thirty or more hours per week.

Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.

- **Variable:** Variable Employees include:
  - Regular part time: Employees who are not in a temporary status and who are regularly scheduled to work less than thirty hours per week. Regular, part-time employees are eligible for some of the benefits offered by the company subject to the terms, conditions and limitations of each benefits program.
  - Temporary, full time: Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project who are scheduled to work thirty or more hours per week.
  - Temporary, part time: Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are scheduled to work less than thirty hours per week.

**2.1.4** Variable employees are not eligible for benefits unless specifically stated otherwise in tribal policy or are deemed eligible according to plan documents.

**2.1.5** Introductory Period Employee: A regular full-time or regular part-time employee who is working in their first 90 days of appointment subject to the exceptions in Section 2.1.6.

**2.1.6** Licensed Employees: New employees required to be licensed by tribal, state, federal, or other applicable NMPH policy must provide documentation of required licensure/certification and/or registration prior to employment. The HR Office will maintain copies of current licensure, certification, or registration in personnel files. Employees must maintain their licensure/certification and/or registration to maintain their employment and shall ensure such, license(s), certification(s), or registration(s) is/are kept current. Employees who do not maintain their licensure, certification, or registration shall, notwithstanding Section 2.1.5, be terminated from their position. Any substantiated incident that places the employee's license, certification or registration at risk will be reported to the appropriate authority by the HR Office in conjunction with the appropriate disciplinary process.



### **2.1.7 Definitions:** The following definitions shall apply to Section 2.1.6

- A. Licensure – The official or legal permission to practice in an occupation, as evidenced by documentation issued by the United States and/or State in the form of a license.
- B. Certification – Credentialing of qualifications for specific NMPH employees which ensures a minimal knowledge base.
- C. Registration – Voluntary submission of qualifications for review and recording on a registration.

**2.1.8 Interns/Preceptors/Volunteers:** This employee class is generally defined as an individual who provides non-compensated service to NMPH. This includes those students or interns participating in clinical rotations or internships. Interns, volunteers, or preceptors shall complete orientation and all necessary documentation, paperwork and agreements prior to commencing their internship/preceptorship or volunteer work.

**2.1.9 Conditional/Regular Employee:** A regular employee who has been hired and allowed a designated time frame to acquire/complete certification, licensure, or other requirements stated in the job description. This status is recognized by the employee at the time of hire with a signed agreement acknowledging conditions of continued employment.

**2.1.10 Commissioned Corps Officers:** Staff that may be hired, such as those employed by the U.S. Public Health Services, stationed at NMPH through a Memorandum of Agreement with Indian Health Service. Benefits for commissioned corps officers shall apply as outlined in the Commissioned Corps personnel manual and agreed upon by NMPH.

**2.1.11 Independent Contractors:** Recruitment, hiring or contracting with an independent contractor shall allow for direct solicitation by Human Resources or department staff. The independent contractor shall comply with credentialing or other requirements for providing services at Nimiipuu Health. The HR staff shall ensure compliance with licensing or other requirements of the position. Prior to commencing work at NMPH the clinic and the provider shall have a signed written agreement outlining services provided, payment and other requirements of the agreement.

## **2.2 TRIBAL AND INDIAN PREFERENCE**

The Tribal and Indian Preference policy of NMPH has evolved from the Indian Preference Law, the Indian Civil Rights Act of 1968 and PL 96-638. Provisions within those Laws and Acts allows private and governmental employers on or near federal trust Indian Reservations to publicly announce and practice a policy of giving preferential treatment in hiring to applicants who are members of federally recognized tribes, bands or villages. See 25 U.S.C. The Nez Perce Tribe and its entities have instituted a further inclusion of the use of “Tribal Preference” that applies to enrolled Nez Perce Tribal members.

**2.2.1 Nez Perce Tribal Preference** When minimum qualifications are met, as established through a comprehensive job description, experience, positive work history, background check and drug screening, hiring preference will first be given to the most qualified Nez Perce Tribal Member; Tribal/Indian status will be verified through Tribal Identification Card or Certificate of Indian Blood (CIB) as supporting documentation.

**2.2.2 Indian Preference** If there are no minimally qualified Nez Perce applicants, the position shall be offered to the most qualified member of any other federally recognized Tribe or Alaskan Native

applicant who meets the minimum qualifications. If there are no federally-recognized tribal members or Alaska Native member applicants, the position will be offered to the most qualified applicant.

### **2.3 VETERANS PREFERENCE**

The Nez Perce Tribe recognizes and acknowledges the sacrifices that veterans have made and the hardships they have endured while serving in the armed forces of the United States. Eligibility under this section shall apply to those veterans who receive an honorable discharge or a general discharge under honorable condition as evidenced on the DD214 or other official documentation.

**2.3.1** Veterans Preference will be applied by adding additional five points to the total possible interview score.

### **2.4 RECRUITMENT AND APPLICATION**

For regular NMPH staff positions, each department shall be responsible for initiating the recruitment process by notifying HR of a vacancy and submitting the proper form to advertise. Recruitment shall be based on the development of an approved job description and availability of funds. Upon approval of a particular position, the Department Manager shall work with HR to develop a job description for each position, which shall be forwarded to the Executive Director for review and final approval. The job description shall contain the number of work hours per week, days worked and salary range. Departments shall utilize HR office forms for advertisement and recruitment.

**2.4.1** In the event a supervisor needs to hire a temporary employee to cover a current vacant position, approval of the Executive Director is required.

**2.4.2** The HR office shall announce all positions that are vacant. HR shall work with appropriate personnel to determine area, frequency, and duration of recruitment effort.

**2.4.3** All vacancies will be advertised in-house for all regular NMPH employees and/or a Nez Perce Tribal member for a minimum of five (5) business days through the Nez Perce Tribe Helpdesk, NMPH and Nez Perce Tribe websites, and NMPH Facebook. Additional methods to advertise may be used as needed.

**2.4.4** If the in-house advertisement is not filled within two weeks by a NMPH employee or Nez Perce tribal member, it will be advertised to the general public for an additional five (5) business days.

**2.4.5** Upon closing of the recruitment effort, all application packets that meet the minimum qualifications of the job description, including all required submitted documents, will be available for review by the department requesting applicants for a/the position. Minimum qualifications mean that the applicant meets all of the requirements of the job description. All enrolled Nez Perce who meet minimum qualifications shall be interviewed first.

**2.4.6** External advertisement for staff positions shall include current NMPH and Nez Perce Tribe online and social media sites, radio and news media. Cost will be included as a factor in the advertisement of positions.

**2.4.7** All applicants for open positions must meet the minimum requirements outlined in the job description.

**2.4.8** Complete applications shall include the NMPH job application, a resume, record of immunizations and signed authorization to complete background/reference check.

**2.4.9** All applicants will be considered only for positions that they apply for that are currently open.

**2.4.10** An applicant will only be interviewed for the position that they have applied.

**2.4.11** A Job description can be updated as needed and requires the approval through the departmental chain of command and HR.

**2.4.12** The recruitment for the Executive Director shall be the responsibility of the NMPH Governing Body. The NMPH Governing Body shall review, interview and recommend candidates for the Executive Director position to the Human Resources Subcommittee and then to the Nez Perce Tribal Executive Committee for consideration and/or approval along with salary and benefits determinations.

The NMPH Governing Body may select an alternate for the Executive Director that may only be considered if for any reason the first selection does not accept the position or complete the introductory period.

## **2.5 SCREENING, INTERVIEWS AND INITIAL APPOINTMENTS**

HR will screen all applicants for positions that are open. Only the HR will gather all pertinent background information, current employment, Driver's License verification, prior work history records and evaluations from current or past NMPH employment or listed employers of applicant prior to offer of employment. Onsite or phone interviews will be held with at least three applicants for a position, if there are less than three applicants, an interview may be allowed with approval by the Executive Director. There shall be at least three (3) members on the interview team. HR will coordinate the interviews with the applicants. Questions shall be developed and utilized with assistance from HR. The interview team will review the questions to be asked of applicants prior to interviews. The interview shall be used to decide on which applicant will be recommended for hire. After interviews for the advertised position are complete, reference checks, and when appropriate; background, credentialing, and immunization checks are completed. Selection then shall be made as follows:

**2.5.1** The applicant selected to fill a non-exempt position shall be recommended for hire by the Supervisor and/or Department Manager with final approval by the Executive Director.

**2.5.2** The applicant selected to fill an exempt position shall be recommended for hire and approved by the Executive Director.

**2.5.3** Volunteers/Interns/Preceptors are subject to the same hiring, appointment, and orientation process as all other classification of employees.

**2.5.4** Offers of employment to successful candidates for regular positions shall be made only by a representative from HR. Candidates shall be verbally notified of their selection and shall be made official by a written conditional offer of employment. A copy of the conditional offer and application will initiate and become part of an active personnel file of the newly appointed employee.

**2.5.5** When applicable, a background check, credentialing, and immunization documentation must be processed before an employee can begin work and/or provide patient care. All background checks and reference checks whether external/internal shall be conducted by HR.

**2.5.6** All information provided on the application for a position, including accompanying documentation, shall be construed as true and verifiable. Any misrepresentations by the applicant can lead to termination of employment with NMPH or denial of their initial hiring.

**2.5.7** Employee Personnel files shall be maintained by HR. All documentation required by the Indian Health Service or funding agencies shall be maintained/retained in accordance with those requirements. All employee applicant files and current employee files are the property of NMPH and can only be accessed with proper approval.

**2.5.8** Unsuccessful applicants for a position shall be notified in writing.

**2.5.9** All new regular and contracted employees shall complete the HR and department orientation prior to beginning employment.

**2.5.10** A background check that includes all records including tribal court and other pertinent information shall be used in determining suitability to work at NMPH. Former staff shall be subject to the same scrutiny and records or information retrieval as new employees. Past performance as a NMPH employee can and shall be utilized in current decision making. (i.e.: evaluations, terminations) This review of past employment shall be conducted only by HR staff.

**2.5.11** Upon completion of the review of applicants and oral interviews for Executive Director, the NMPH Governing Body shall provide a recommendation to the Nez Perce Tribe HR Sub-committee. Upon approval, the recommendation shall go to NPTEC for approval and resolution.

**2.5.12** Minimum qualifications are defined with the following: Required education, skills and experience as outlined in the job description. This includes licensure/certification (if required), positive work history, background check, and drug screening.

## **2.6 INTERNAL TRANSFER**

Current NMPH employees, to include all regular and temporary employees are eligible to transfer to a vacant NMPH position contingent upon the applicant meeting the minimum requirements of the position and a satisfactory report or work history from the current or previous supervisor in a position held at the NMPH clinic. Nez Perce tribal members who apply under this section shall receive preference. All current applicants for vacant positions shall not be eligible for internal transfer if they have received any disciplinary action within the last six (6) months.

**2.6.1** NMPH will advertise all vacancies per policy 2.4. In the event a current NMPH employee, as defined above, wishes to apply for the position, that employee will receive consideration for the position prior to coordinating interviews and within five (5) working days of job announcement closure.

**2.6.2** All applicants utilizing this section for internal transfer shall be required to submit a new application.

**2.6.3** A modified interview will be held with the candidate seeking the internal transfer. Written performance evaluations shall be submitted to the hiring supervisor prior to interview of the internal transfer candidate.

**2.6.4** In the event a current employee is selected, unsuccessful applicants will be notified via letter.

**2.6.5** Tribal and Indian Preference will apply to this policy.

**2.6.6** When a position is vacant due to resignation, termination or temporary appointment to another position, a staff member can be assigned to the open position on an interim basis. This shall include manager positions where the temporary appointment may be paid at the higher level. Interim placements shall not exceed (90) days in length.

**2.6.7** The transferred employee will be in an introductory period for (90) days during which the employee is subject to the guidelines established in Section 2.4. If the transferred employee is dismissed on or before the (90) days of their introductory period, they shall not be eligible for reinstatement to their former position.

**2.6.8** Upon approval of the transfer, the employee shall retain their accrued benefits.

**2.6.9** Transferred employees will continue to accrue but will not be eligible to use their Personal Time-Off (PTO) during the introductory period.

## **2.7 TEMPORARY RECRUITMENT/APPOINTMENTS**

As needed, HR will advertise for positions that provide coverage during emergency or extended leave of regular employees or during the time a vacant position is being advertised.

**2.7.1** Appointment process will be subject to policies 2.4 and 2.5.

**2.7.2** Temporary employees are at-will during their appointment and can be removed from the active job seekers list for cause, lack of performance or violations of the HR manual.

**2.7.3** Temporary employees are eligible to receive holiday pay if in a paid status the day before and the day after the holiday.

**2.7.4** The HR team will provide initial contact of temporary staff for departments who shall then coordinate with temporary employee for hours worked, contact information or other issues relevant to their employment in that department.

**2.7.5** Temporary staff must comply with all educational, work history, performance standards and orientation or other requirements of regular staff.

**2.7.6** Supervisors of temporary staff shall indicate whether that temporary staff person is re-hirable and give a short performance evaluation placed in their employee file.

## **2.8 INTRODUCTORY PERIOD FOR NEW EMPLOYEES**

The introductory period for new employees will last (90) calendar days from the date of hire at NMPH. During this introductory period, NMPH may terminate the employment relationship at any time, with or without notice and with or without cause. Introductory employees do not have access to the grievance procedure.

**2.8.1** After (90) calendar days of introductory employment period, employees will receive a performance evaluation. Upon satisfactory completion of the introductory period, an employee will become a regular employee. Proper documentation shall be submitted to the HR office for processing.

**2.8.2** During the introductory period employees will accrue PTO and will be entitled to use it for sick days as outlined in PTO policy.

**2.8.3** Subject to section 2.1.6, the introductory period shall not exceed (90) days. If no action has been taken to terminate an employee with the introductory period, they shall become a regular employee. In the event an employee is denied regular status, no leave accruals will be paid.

**2.8.4** Current NMPH employees who move to a new position shall retain their benefits in the manner they were being provided. Current employees who move into a new position within the organization are subject to a 90-day introductory period for their performance.

**2.8.5** Those employees who transfer from another tribal entity or organization voluntarily with no break in service shall retain their benefits based on current employment. A probationary period for the new position for suitability determination shall be utilized.

## **2.9 PERFORMANCE AND EVALUATION**

Each regular employee's job performance shall be reviewed a minimum of once each year, within one month of their "position date", or annually by October 1. The review process is designed to meet four goals.

**2.9.1** Improve the employee's understanding of job duties and rate how well the employee is performing the duties set forth in the job description.

**2.9.2** Help each employee identify and correct skill or performance deficiencies, if it is determined that such deficiencies can be corrected.

**2.9.3** Establish an individual training plan for each employee to determine long and short term training goals.

**2.9.4** Provide a means for communicating individual employee performance to the Executive Director.

## **2.10 EVALUATION RESULTS**

The employee's job performance evaluation may result in any of the following actions:

**2.10.1** The employee may be advanced in salary contingent on funds availability and proper authorization. All salary increases require department manager and Executive Director's approval. All increases in salary based on the performance evaluation shall be awarded within the Wage and Salary schedule. A maximum annual merit increase of 3% is allowed based on performance.

**2.10.2** Regular employees with identified performance or skill deficiencies may receive a Corrective Action Plan designed to help the employee correct the deficiencies, let the employee know what will be expected in the future, and what consequences will be if the employee's performance does not improve.

**2.10.3** Demotions may be initiated for a number of different reasons which include but are not limited to: poor employee performance, unsatisfactory attendance, unacceptable personal conduct, disciplinary action, and at times an employee-desired reduction in responsibility. (Refer to Demotion Policy)

## **2.11 PROHIBITION OF HARASSMENT, DISCRIMINATION, AND DISRUPTIVE BEHAVIOR**

It is the policy of NMPH that all employees are able to work in a setting free from all forms of unlawful discrimination, including harassment on the basis of race, color, religion, sexual orientation, gender and gender identity, national origin, age, pregnancy or disability, and sexual harassment.

**2.11.1** Discrimination is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, gender and gender identity, sexual orientation, national origin, age, pregnancy, disability, or that of their relatives, friends, or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities. This shall include any transmission on social media, computer, or the internet at work or the employee's home or business.

**2.11.2** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This shall include any transmission on social media, computer, or the internet at work or the employee's home or business.

**2.11.3** Sexual discrimination or gender discrimination is discrimination against any member of any protected class in the hiring, promotion or compensation and other employment related actions/activities.

**2.11.4** Disruptive behavior is conduct that disrupts the operation of NMPH services; affects the ability of others to do their jobs; creates a hostile work environment for employees or others within the facility; interferes with an individual's ability to practice competently; or adversely affects or impacts the community's confidence in the organization's ability to provide quality patient care; to ensure optimum patient care by promoting a safe, cooperative, and professional healthcare environment and to prevent

or eliminate (to the extent possible) disruptive behavior from a patient, staff or NMPH Governing Body Member, this behavior can and will not be tolerated. Staff shall report any instances under this section immediately to their supervisor, HR or the Executive Director. This shall include any transmission on social media, computer, or the internet at work or the employee's home or business.

**2.11.5** Employee complaints of discrimination, harassment, or disruptive behavior should immediately be reported to the HR Manager. If that person is unavailable or the employee believes it would be inappropriate to contact them, the employee should contact their immediate supervisor or other appropriate management personnel who will assist the employee in documenting the incident. HR will investigate all complaints of discrimination, sexual harassment, and disruptive behavior. Within 24 hours HR will provide a report to the Executive Director on the findings of the complaint and recommendations for resolution.

**2.11.6** Individuals who lodge good faith complaints or who will participate in an investigation will not be retaliated against or otherwise treated adversely related to their reporting of the situation or participation in the investigation.

**2.11.7** Discrimination, harassment or disruptive behavior shall follow the general guidelines for disciplinary action based on the severity of the infraction and impact to clinic and affected staff, up to and including termination. Filing of complaints will follow the employee's chain of command or go directly to the HR Manager.

## **2.12 DRUGS, ALCOHOL & SMOKE FREE WORKPLACE**

NMPH believes in a healthy and productive workforce, safe-working conditions free from the effects of drugs and alcohol, and in maintaining the quality of products and services rendered by employees. Employees with positive drug or alcohol test results are considered to be in serious violation of this policy and will face disciplinary action, up to and including termination. If terminated for a positive result or for refusing to test, the employee may not apply for other positions with NMPH for one year.

**2.12.1** All new (regular and temporary) employees will be drug tested prior to starting work. If the test has a positive result, a lab test to verify results will be completed. If the lab test is positive, the employee will immediately be terminated and/or removed from the on-call list. Terminated individuals (regular or on-call) may not apply or be considered for employment for one year after the positive lab result.

**2.12.3** "Reasonable Suspicion" testing will be required when there is information or observation about an employee's appearance, conduct, or behavior that would cause a reasonable person to believe that the employee has used or may be using or impaired by drugs or alcohol. A written report of reasonable suspicion shall immediately be made to their supervisor who then shall report to the HR Manager. The HR Manager or designee shall meet with the supervisor and employee suspected of substance use to observe, document, and/or contact the testing agent. Should the employee test positive on the initial screening, they will be placed on administrative leave and taken home with pay until lab results are received. If the lab results return negative, the employee will return to work. Upon a positive result the employee may be retained by completing a substance abuse plan and program within a disciplinary procedure and action and specific timeframe. (See Appendix A for Drug, Alcohol & Smoke Free Work Place Policy)



**2.12.4** When an employee is involved in any vehicle accident while on duty or using a NMPH or GSA vehicle, testing will be administered or arranged (Post-Accident Testing) by Human Resources.

**2.12.5** NMPH will provide training to educate staff on behaviors to recognize potential drug/alcohol impairment and will provide an Employee Assistance Program to assist employees who assume responsibility for taking the action necessary to correct their problems at the work site and when applicable, will provide opportunity for employee to continue employment while correcting their problem.

**2.12.6** NMPH will terminate and may initiate disciplinary action and/or prosecution of all employees involved in drug trafficking (sales or solicitation) while on duty, or for refusal to submit to drug/alcohol testing.

**2.12.7** NMPH will provide a complete copy of the NMPH Drug/Alcohol testing policy in the new employee orientation packet.

**2.12.8** To further promote health and wellness, NMPH prohibits use of e-cigarettes, smoking or chewing of commercial tobacco products on grounds, in buildings and vehicles.

## **2.13 DRESS CODE**

All NMPH staff shall dress professionally and appropriately for the duties and services they provide. Apparel is to be clean, neat, and well maintained. Casual shorts, jeans, sweatpants, spandex, flip flops and other attire generally worn during periods of relaxation are not acceptable. Employees may wear jeans, in good condition, or other appropriate casual attire on Fridays. Employees who provide direct patient care shall not wear colognes, perfumes, lotions or other make-up and accessories that may be offensive, unsafe, or generate an allergic reaction from patients. Hosiery/stockings must be worn at all times, nails are to be clean, free of polish and maintained at a functional length. For infection control purposes, artificial nails are prohibited.

**2.13.1** Official NMPH badges will be worn visibly at all times by staff that are on duty.

**2.13.2** The direct Supervisors, Managers, or the Executive Director have the authority to temporarily suspend an employee without pay for improper dress at the workplace. Suspension shall be only for the time required for the employee to change into proper attire.

## **2.14 CREDENTIALING FOR MEDICAL/DENTAL PROVIDERS**

**2.14.1** Credentialing personnel will verify licenses/certifications/immunizations before a medical/dental provider can begin work and shall place a copy of the license/certification in the credentialing file.

**2.14.2** Staff credentialing requirements will be outlined in the Medical and Dental Policies of NMPH.

**2.14.3** It is the employee's responsibility to ensure a current license/certification is on file in the credentialing file.

**2.14.4** The expense associated with the application and/or renewal of license or certificate is the responsibility of the employee.

**2.14.5** When licenses/certifications are found to be delinquent, both the department manager and the employee will be notified that the employee will be placed on leave without pay until they have produced verification of current licensure/certification.

**2.14.6** Medical and dental providers and other licensed professionals or healthcare workers, shall have or obtain within (90) days of hire, the license appropriate to their profession from any US State or Territory.

**2.14.7** Allied health professions do not require credentialing and shall be licensed in accordance with the Allied Health Policies and Procedures.

**2.14.8** The Medical Director can approve temporary appointments for staff under emergency or time sensitive situations.

## **SECTION 3: SALARY AND PAYROLL ADMINISTRATION**

NMPH wage and hour practice is modeled after the federal wage and hour laws but do not necessarily mirror them. Employees should not rely upon the application of federal law to employment related matters presented in connection with this manual as there may be some differences. The HR Manager will make exempt status determination based on the FLSA or similar guide.

### **3.1 WAGE AND SALARY SCHEDULE**

**3.1.1** New employees shall be employed at the entry level of the range established for the position as stated in the job description. Exceptions may be made based on level of education and work experience. Exception must be approved by Human Resources, Finance, and the Executive Director. (See Appendices B for Wage and Salary Schedule)

**3.1.2** The Supervisor may/can approve a one-step merit based on financial considerations of the clinic and department budget with submission of an Employee Action Notice (EAN) signed by Executive Director.

**3.1.3** Employees will not move beyond the step of the salary range indicated on their job description. They may continue to receive Cost of Living Allowances (COLA) after reaching the top of the range and step for their position.

### **3.2 SALARY INCREASES/RAISES**

**3.2.1** In the event that an employee is appointed by a Department manager to perform in an interim capacity, the salary may be temporarily adjusted. Increase must be approved by HR and the Executive Director via EAN. The Finance Manager will confirm that funds are available. Interim placements shall not be for longer than (90) days or until position is filled.

**3.2.2** Salary and merit increases for the Executive Director, shall be approved by the NMPH Governing Body.

**3.2.3** COLA increases require approval by funding source and will be included in the annual budget approval process. COLA's require approval by the Executive Director and NMPH Governing Body.

**3.2.4** Funding for merit increases shall be included in annual operating budgets as funds allow and in line with funding entity guidelines. Merit increases shall be approved by department Manager and Executive Director.

**3.2.5** Merit increases for staff members shall not exceed one step per year.

**3.2.6** NMPH HR in conjunction with managers can review current staff salaries for market based salary adjustments.

**3.2.7** Job descriptions and wage determinations shall be in line with the current approved Wage and Salary Schedule.

### **3.3 POSITION RE-GRADING/RECLASSIFICATION**

Positions that have experienced a significant change in duties and responsibilities may request a position re-grade through a job audit. Requests for regarding a position's wage/grade range must be submitted by an employee, their immediate supervisor or a division director to HR along with documentation of additional or decreased duties and responsibilities. Human Resources will work with employee, Supervisor, to develop a job description reflective of the duties being performed by the position. Positions with increased job duties or responsibilities may require request an increase in pay.

**3.3.1** A position may not be evaluated or adjusted more than once in a year

**3.3.2** Any pay adjustments are effective on the first day of the pay period following final approval by the Executive Director.

**3.3.3** In the event a job audit results in a decrease in pay, the employee's salary will be frozen until such time as the new salary aligns with where the employee was currently placed.

**3.3.4** Re-grading may not be used to avoid policies dealing with layoffs, demotions, dismissals, or reaching maximum levels of pay ranges.

**3.3.5** Requests for upgrades or job audits will be completed utilizing proper forms and include supporting documentation, analysis and information to HR.

### **3.4 PAY PERIODS AND PROCEDURES**

**3.4.1** Employees shall be paid bi-weekly.

**3.4.2** Each employee is responsible for accessing, reviewing and approving their hours worked electronically on the time clock system. Employees will indicate actual hours worked and any leave

taken for the pay period. Employees shall approve their time within time clock no later than 9:30am on the Monday preceding pay-day.

**3.4.3** Salary advances will be made in accordance with the Finance Manual.

### **3.5 OVER-TIME PAY FOR NON-EXEMPT EMPLOYEES**

The normal workday consists of eight (8) hours. However, employees may be required by their supervisor or due to the nature of their job to work more than eight hours in a workday.

**3.5.1** Overtime must be approved in advance by the Department Manager/ Director whenever possible and in the event of an emergency, by the next day.

**3.5.2** Non-exempt employees who exceed 40 hours of work time in a workweek will be paid time and one half for all hours worked over 40 hours in that week. Paid leave, such as holiday, PTO, Sick, etc. does not apply toward work time.

### **3.6 FLEX TIME**

Flex-time may be granted to non-exempt employees at the supervisor's discretion in lieu of overtime. Flex-time must be taken within the same work week.

**3.6.1** All Flex time or flexing of the schedule requires prior approval by supervisor and will be based on clinic needs.

## **SECTION 4: GENERAL POLICIES GOVERNING PERSONNEL**

### **4.1 WORK HOURS AND ATTENDANCE**

NMPH's normal work week consists of 40 hours per week. Any deviation from these guidelines must be approved by the Executive Director. In general, the following guidelines apply:

**4.1.1** Business hours for the Lapwai Clinic shall be from 8:00am to 6:00pm, Monday through Friday. Business hours for the Kamiah Clinic shall be from 8:00am to 4:30pm.

**4.1.2** Regular staff hours shall be an eight hour shift, a 30-minute or hour lunch break and two 15-minute breaks, one in the mid-morning and one in the afternoon. For those employees on four ten hour shifts, two 15 minute breaks and a half or full hour lunch break.

**4.1.3** Some employees, due to work requirements, work different hours (i.e.: four (4) ten (10) hour shifts). The daily schedule, i.e., lunch period and rest breaks, should roughly approximate the duration and timing of breaks scheduled for the standard business day. Changes from the standard work schedule must be approved by their immediate Supervisor and Executive Director.

**4.1.4** All staff shall utilize the time clock for clocking in and out.

## **4.2 TRAVEL**

Travel from home to work and back home is not considered work related travel. Routine travel, on or near the reservation, which is consistent with the employee's job description constitutes authorized travel. Approval for travel and travel advances shall be obtained in accordance with the procedures of the Finance Manual.

**4.2.1** All travel on or near the reservation and any transportation of clients/patients must be in a GSA vehicle.

**4.2.2** Employees who are excluded from coverage under NMPH auto insurance policy shall not be reimbursed for mileage and must use an alternate mode of transportation to travel or attend training. In the case of an uninsurable employee, use of personal vehicle is prohibited for any NMPH Clinic business related travel.

**4.2.3** Employees must notify HR of any loss, suspension, or restrictions to driving privileges. Failure to do so within (30) days may result in disciplinary action

**4.2.4** All positions that require driving as an essential function are required to keep their license active, valid and maintain an insurable driving record.

## **4.3 NEPOTISM**

**4.3.1** Immediate family members include the following: Mother, father, son, daughter, husband, wife, brother, sister.

**4.3.2** No person shall hold or shall be hired, promoted, demoted, or transferred to a job which requires the employee to directly supervise or be supervised by an immediate family member.

**4.3.3** Managers and Supervisors should neither initiate nor participate in decisions involving a direct benefit (such as initial employment, retention, salary, leave of absence) to members of their immediate family.

**4.3.4** NMPH employees shall not use their position to operate outside policies and procedures to receive services for their self, family, or friends.

**4.3.5** If any funding agency has a more stringent nepotism policy, the more stringent policy shall apply to any program funded by that agency.

## **4.4 POLITICAL ACTIVITY**

Employees are not discouraged from assuming leadership positions and citizen participation roles in tribal, public affairs and professional societies.

**4.4.1** Employees who hold non-job related elective or appointed office for non-job related activities shall deal with the requirements of that office on their own time.

**4.4.2** No employee shall speak on behalf of NMPH on any policy matter without the prior express approval of the Executive Director. When an employee speaks publicly on job related activities for the organization, statements shall be accurate and show proper respect for NMPH, this shall include social media, internet or other publicly viewed forms of communication.

#### **4.5 RECEIPTS OF FAVORS OR GIFTS/CONFLICTS OF INTEREST**

Employees may not accept favors, gifts or other forms of compensation from vendors, contractors or any other persons who has or who proposes to have business dealings with NMPH.

**4.5.1** All staff shall avoid any decisions or situations that will present or have the appearance of being or providing a personal benefit to the staff person or their family. In addition, staff shall avoid the appearance of undue influence over subordinates in hiring, disciplinary actions including termination or other employment related issues.

**4.5.2** For staff who wish to file a conflict of interest determination, this shall be filed with HR which shall then present to the NMPH Governing Body at their next regular meeting for their determination, if a conflict exists.

#### **4.6 NO SOLICITATION FOR PERSONAL GAIN**

NMPH does not allow employees to solicit other employees during work time that is only designed for personal gain. Accordingly, the following no-solicitation policy is in effect:

**4.6.1** No employee shall solicit for any cause or organization during their working time or during the working time of the employee or the employees solicited without prior approval of the Executive Director. For the purpose of these rules “working time” does not include meal time or break time.

**4.6.2** No employee shall distribute or circulate any written or printed solicitation material in work areas at any time, during their working time, or during the working time of the employees of to whom such activity is directed, regardless of location.

#### **4.7 VISITORS/GUESTS**

All visitors and guests are required to check in with the Front Desk Receptionist. The Receptionist will notify the appropriate department when visitors/guests arrive.

**4.7.1** Outside entities or individuals will be required to check in at the front desk, who will then notify the HR Department to receive a visitor identification badge.

#### **4.8 RESIGNATION/VOLUNARY TERMINATION OF EMPLOYMENT**

Voluntary termination of employment otherwise known as resignation, is a method in which employees separate employment on a voluntary basis. Employees are highly encouraged to follow the separation guidelines as outlined in sections 4.8.1 and 4.8.2 of this policy. Employees may, however voluntarily terminate employment with or without advance notice and with or without cause, but doing so may

result in a negative or disreputable work history. Exceptions may be granted if approved by the Department Manager, or if a separate employment agreement has been signed stating otherwise.

**4.8.1** Regular non-key positions must give ten (10) working days written notice of intended resignation. (Refer to section 7: Glossary)

**4.8.2** Regular key positions must give ninety (90) working days written notice of intended resignation. (Refer to section 7: Glossary)

**4.8.3** Once the Department Manager is given notice of resignation, they shall forward a copy to HR who will begin the exit interview and necessary paperwork to complete resignation/end of employment process.

**4.8.4** Once an employee has submitted their resignation, should the employee provide written request to rescind the resignation, it shall be the discretion of NMPH to grant or deny that request and requires concurrence of the Department Manager and Executive Director

#### **4.9 DISMISSAL/INVOLUNTARY TERMINATION OF EMPLOYMENT**

When circumstances warrant, an employee may be terminated. The instrument of dismissal shall be a letter of termination signed/agreed upon by the appropriate officials as designated below:

**4.9.1** The Executive Director shall be terminated by recommendation to the Nez Perce Tribal Executive Committee.

**4.9.2** All other employees shall be terminated by the Executive Director after consultation with HR and Department Manager.

**4.9.3** Involuntary termination, as a result of disciplinary action, is subject to the grievance procedure as set forth in section 5.

**4.9.4** In accordance with Section 5.6.21 Absent Without Official Leave (AWOL), if a staff person fails to call in or contact their supervisor and is gone from their duty station for three (3) consecutive days, this will be construed as job abandonment and result in termination of their employment. Verifiable emergency conditions or situations may be considered in termination decision.

**4.9.5** If and when an employee is involuntarily terminated a letter from the HR shall be sent indicating their termination or release from duty.

**4.9.6** Commissioned Corps Officers will be terminated pursuant to the terms of their contracts.

**4.9.7** An EAN shall be completed for all actions related to the Executive Director or Commissioned Corps officers.

#### **4.10 EXIT INTERVIEWS**

**4.10.1** Employees leaving NMPH will be contacted by HR to schedule an exit interview. This process provides valuable information that is intended to enhance the work environment.

**4.10.2** Information collected will be confidential and provided to the Department Manager and the NMPH Governing Body in an aggregate, confidential manner on a quarterly basis.

**4.10.3** In the event there are fewer than two exit interviews in a quarter, the information will be delivered the next quarter or until such time as there are greater than three exit interviews to report.

**4.10.4** An employee who leaves employment shall have a record of their performance in their file whether employment was as a temporary, regular or contracted employee. This information can be used in future hiring decisions.

#### **4.11 REDUCTION IN FORCE/ABOLISHMENT OF POSITION (S)**

A reduction in force or lay-off of employees may occur due to a number of reasons, including reduction in program funding, reorganization, or program changes.

**4.11.1** When more than one employee is affected by a reduction in force, the Executive Director shall establish lay-off criteria. The Executive Director, with consultation from HR and affected Manager(s) or Director(s), retains discretion to decide which criteria and how much weight will be given each criterion in making employment decisions.

**4.11.2** Employees laid-off during a reduction in force shall be given preference for available jobs within the organization for which the laid-off employee is qualified. This preference shall be in effect for a period not to exceed (90) days.

**4.11.3** NMPH will give a minimum of ten (10) working days' notice of a reduction in force. Exceptions may be granted, with the approval of the Executive Director.

**4.11.4** Positions that are abolished due to changes, reductions or loss of budgets/funding, organizational restructuring or other changes will follow the same procedures as a reduction in force.

#### **4.12 DEATH**

Upon the death of an employee, all compensation and benefits due will be calculated and paid to the employee's designated beneficiary, as indicated on most recent beneficiary designation form in the personnel file. In the event no designation exists, compensation and benefits shall be paid in accordance with applicable law.

#### **4.13 CONFIDENTIAL INFORMATION**

NMPH complies with the Health Insurance Portability and Accountability Act (HIPAA) regulations covering the security and privacy of confidential patient data. The HIPAA Policy Manual is located in the designated NMPH Right to Know Centers. During the course of employment and/or work responsibilities, employees may have access to information of a confidential nature concerning fellow staff members, patients/clients and possibly members of their family. Under no circumstances shall



this information to be divulged to anyone who does not have the legal right or permission, as well as a need to know. Every effort must be made to assure the confidentiality of all information stored in patient/client charts, personnel, credentialing, or any other files in this organization is kept confidential. This includes the inadvertent disclosure of information during conversation with another employee or purposeful disclosure of information learned at NMPH to family members, friends, or others while outside of the work environment.

**4.13.1** During new employee orientation, employee will sign a Confidentiality Statement, as well as have an in-depth discussion of the same with appropriate personnel.

**4.13.2** Violation of these statutes is a serious offense and may result in fines, imprisonment, reporting to appropriate licensing agency or board, and/or loss of job.

**4.13.3** Staff shall only access confidential data, records or other information as it relates directly to the performance of their job duties.

#### **4.14 PREVENTION OF PATIENT/CLIENT ABUSE**

NMPH prohibits personnel from inflicting any verbal, physical, emotional, or sexual abuse on patients/clients.

**4.14.1** A complaint filed by a patient regarding patient/client abuse by NMPH personnel will result in an investigation as stated in NMPH Incident/Patient Comment Reporting policy and may result in disciplinary action up to and including termination.

**4.14.2** All incident reports and complaints involving personnel must be submitted to HR with follow-up investigation process documentation, which will be held separated from employee personnel files. If a disciplinary action results from a valid complaint and investigation, Human Resources and appropriate supervisor will carry out further actions.

**4.14.3** All Disciplinary Actions resulting from a valid violation and or complaint will be documented in employees personnel files unless the matter is grieved and overturned by Supervisor, Executive Director, or Hearing Officer.

**4.14.5** The Human Resources shall ensure that all disciplinary actions and processes are kept in line with current practices and policies.

#### **4.15 REQUEST FOR EMPLOYMENT REFERENCES**

All inquiries made concerning active/inactive employees, i.e., credit, employment, must be referred immediately to HR. The organization retains the right of all employers called “qualified privilege” to disclose information to future employers or others with similar need to know that are made in good faith; regards a subject matter in which the employer has an interest of duty, and is made with similar interest or duty.

## **4.16 FURLOUGHS**

When continued and expected funding for NMPH is delayed for lack of an approved federal budget or otherwise, employees with that program may be placed on furlough by the Executive Director.

**4.16.1** The purpose of a furlough is to relieve employees of their responsibility to perform their jobs when funds are temporarily not available to pay their salaries/wages and benefits. During a furlough, an employee will continue to accrue time for the purpose of calculating continuous service as a NMPH employee.

**4.16.2** A furlough is a temporary action in which an employee is notified that he or she will not be required to report for work beginning on a specific date until further notice. Throughout the furlough period, the employee does not lose status as an employee and the employee's position remains in place. An employee shall be given as much advance notice of a furlough as possible and shall be notified of the ending date of the furlough as soon as possible.

**4.16.3** A furlough will end when the expected funds are available to NMPH for the affected staff. Notice to an employee that a furlough has ended, may be in person, by telephone or in writing to the employee's home address. The Executive Director shall designate the responsibility to the staff supervisor to give notice to furlough employees from their respective departments.

**4.16.4** During a furlough, an employee will continue to accrue time for the purposes of calculating continuous service as a NMPH employee. No action by the employee is required to return to work after a furlough. The supervisor shall initiate an EAN that documents the effective date of the employee's return, the employee's pay status and budget classification.

**4.16.5** Employees on furlough will not be eligible to accrue or use any paid leave benefits. Medical, Life and Retirement benefits will be determined on a case-by-case basis.

**4.16.6** Employees will not be paid their salary/wages while in furlough status. However, in anticipation of continued funding, employees may voluntarily report to work after being placed on furlough.

**4.16.7** Employees who voluntarily report to work during a furlough period must sign a form provided by the Finance Department confirming that they understand that should their position of employment not be funded, they will not be compensated for work performed, or reimbursed for expenses incurred, while on furlough.

**4.16.8** The Finance Department shall provide appropriate special forms to document the dates and hours worked by employees on furlough. Furloughed employees and their supervisors shall maintain records of hours worked on a daily basis.

**4.16.9** If NMPH is funded/refunded and retroactive payment is authorized by the funding agency, those employees who voluntarily worked during the furlough period will be paid their salary/wages. They will be reimbursed for any legitimate expenses incurred and will also be credited for sick and PTO leave that would have normally accrued during the furlough period.

**4.16.10** Employees who did not voluntarily work during the furlough period will not receive any type of payment or benefits regardless of whether retroactive payment is authorized when NMPH funding becomes available.

## **SECTION 5: EMPLOYEE RELATIONS**

### **5.1 GENERAL CONDUCT**

Each employee is a representative of NMPH. In this role, employees are obliged to conduct themselves in a manner that will reflect positively upon NMPH.

**5.1.1** Employees shall at all times promote good relations between NMPH and the people we serve by performing quality work and by displaying a positive service attitude.

**5.1.2** NMPH employees shall conduct themselves and shall dress according to the normal performance demands of their work-stations, utilizing accepted protocol standards and safety. Use of profanity is prohibited.

**5.1.3** Employees shall not bring children into the workstations during working hours and are required to keep social visits to a minimum during working hours. If children or family members have appointments, they must remain in the patient waiting areas.

**5.1.4** All employees shall respect each other's basic human rights and human dignity and shall work cooperatively in performing all services.

**5.1.5** No employee shall ridicule or reprimand another employee in public or on public or social media.

**5.1.6** All personnel shall express their occupational differences of opinion or any other differences of opinion respectfully and in the proper setting.

**5.1.7** With the exception of the Tribal/Indian Preference policy in hiring practices, no employee shall discriminate against another employee or will be discriminated against on basis of race, color, religion, age, gender, national origin, physical or mental handicaps, sexual orientation, or any other protected class.

**5.1.8** Employees shall cooperate with one another in the execution of their duties.

**5.1.9** Employees shall work through the chain of command (Supervisor, Director, HR, and Executive Director) to attempt to resolve complaints or concerns they may have with other staff, patients, guests, or NMPH Governing Body Members.

**5.1.10** Any employee who witnesses abusive and/or inappropriate behavior from patients, NMPH Governing Body Members, guests, or staff shall report according to the Incident Reporting process.

**5.1.11** In the event an employee feels they are in danger or witnesses another potentially dangerous situation, Code Gray procedures are to be followed in compliance with, and as directed by the Safety Officer/Facilities Director policies and procedures.

## **5.2 E-MAIL, VOICEMAIL, INTERNET ACCESS**

E-mail, voicemail, and internet access and other use of NMPH electronic communications equipment should be limited to business use and purposes. NMPH reserves the right to monitor all electronic communications equipment as needed to determine if equipment is being used for legitimate business reasons. NMPH may find it necessary to record and disclose to others all electronic communications and records at any time, with or without notice. Employees should understand that they have no personal right to privacy to anything created, received, or sent on, to or from NMPH equipment.

**5.2.1** Employees with internet access cannot download any material from the internet without the express prior approval of the Information Technology Department. Only authorized personnel may create or modify the NMPH web site. Any personal use that could cause congestion, delay, or disruption of service such as; greeting cards, video, or sound are prohibited.

**5.2.2** Employees must not copy or alter the configuration of any NMPH software without the express prior approval of the Information Technology department. This policy also prohibits copying software to install on NMPH equipment without express prior approval of the Information Technology Department.

**5.2.3** Employees must not post anything related to NMPH business on the Internet without the express prior approval of the Information Technology Department. Employees should notify their supervisor if they encounter or stumble upon a website that would be deemed a violation of this policy.

**5.2.4** NMPH's policy on harassment, discrimination, and disruptive behavior is applicable to all use of its equipment for any purpose that in any way are threatening, intimidating, or hostile. In addition, the communications may not be offensive on the basis of race, color, religion, national origin, gender, sexual orientation, age, disability, or any other status protected under Tribal Law.

**5.2.5** Employees must not use a code, access a file, or retrieve any stored communications other than those to which the employee has specifically authorized access. Employees may not share computer pass codes with anyone unless the pass code is for a "pass code protected document" used within the work group. All pass codes, including voicemail codes, shall be kept by the Information Technology Department.

## **5.3 SOCIAL MEDIA POLICY INTERNAL/EXTERNAL**

Employees may not post financial, confidential, sensitive or proprietary information about the NMPH clients, employees or applicants on any external websites, Facebook or other social media. NMPH Employees may not post obscenities, slurs or personal attacks that can damage the reputation of the NMPH, clients, employees or applicants. When posting on social media sites, employees must use the following disclaimer when discussing job-related matters, "The opinions expressed on this site are my own and do not necessarily represent the views of NMPH." NMPH staff may monitor content out on the Internet and content on social media may be used in hiring decisions. Policy violations may result in discipline up to and including termination of employment. Although the rights of staff to express themselves is an inherent right, the use of social media that is deemed denigrating,

disparaging or reflects negatively on NMPH Governing Body members, staff or clients will not be tolerated.

(See Appendix C for Social Media Policy)

#### **5.4 COMMITTEE INVOLVEMENT**

To further our commitment to quality patient care, employees are required to sit on one or more NMPH committees. Committee assignments will be made by the immediate supervisor.

#### **5.5 DISCIPLINE-GENERAL GUIDELINES**

It is the policy of NMPH to take or authorize corrective measures when an employee engages in conduct or activities which detract from the effectiveness of the employee's work performance or which is contrary to the best interest of NMPH. All acts of discipline shall be initiated within five working days of supervisor's knowledge of said infraction and shall be documented in writing and incorporated into the employee's personnel file.

Progressive disciplinary for infractions include 1) corrective counseling, 2) verbal reprimand, 3) written reprimand, 4) suspension, and 5) termination. Any or all of these steps may be utilized, depending on the individual circumstances and the nature of the infraction. For offenses not described in this policy, the major disciplinary actions as defined in section 5.5 disciplinary actions 1-4, shall be the responsibility of the appropriate supervisor. All acts of discipline shall be documented in writing by the disciplined employee's immediate supervisor and shall be incorporated into the employee's permanent personnel file.

**5.5.1 Corrective counseling.** This is an informal and documented discussion between the employee and their supervisor. The supervisor should detail the reason(s) for the discussion and give the employee an opportunity to respond. The supervisor should then let the employee know what will be expected in the future and what consequences will be if the performance does not improve or if inappropriate behavior continues. Such infractions shall be placed in the employee's personnel file.

**5.5.2 Verbal reprimand.** If an employee has violated a policy or procedure, the employee's supervisor shall soon as practical, but no less than five working days, discuss the infraction with the employee and warn the employee not to repeat the infraction, as well as provide expectations and consequences. Such infraction shall be documented and placed in the employee's personnel file.

**5.5.3 Written reprimand.** This may be used when other corrective action steps have not worked to help the employee correct the problem or where the problem is considered severe. The written warning step requires immediate and continued improvement. Further corrective action will result from any recurrence of the problems addressed in the written warning or any other discipline or performance problems.

**5.5.4 Suspension.** Suspension is a corrective action step used by the immediate Supervisor with Director and Executive Director's concurrence, for more serious circumstances. For example, it may be used when it is necessary to remove the employee from the workplace so that a complete and fair investigation of the incident(s) may be made. Generally, suspension will last for that period of time deemed necessary by the immediate Supervisor, Director, and Executive Director and may be paid or unpaid, depending on the circumstances. While on unpaid leave, PTO will not accrue.

**5.5.5** Administrative leave with pay can be utilized during time periods of investigation of charges against staff being investigated or verified for up to 5 working days.

**5.5.6** Termination. This is the most serious disciplinary action NMPH can take. Terminations require concurrence of Director and Executive Director. It may be required to report termination to appropriate licensing or certification board and/or criminal charges may be filed. Terminated employees may not apply for any positions at NMPH for one (1) year, giving time to correct actions that lead up to termination.

**5.5.7** NMPH generally applies progressive discipline. Any of the steps outlined above may be suspended based on infraction or action of employee and immediate needs of clinic. The Executive Director retains final discretion to determine the appropriate level of discipline to be administered, up to and including termination.

**5.5.8** Demotion. An employee may be demoted to a lower grade and salary; demoted in job responsibility or terminated. (Refer to Demotion Policy)

**5.5.9** All disciplinary actions shall be reviewed for policy compliance by HR prior to being presented to employee.

**5.6 INFRACTIONS AND DISCIPLINE GUIDELINES**

As a general rule the following kinds of violations will be dealt with by the following sequence of disciplinary actions. This list is provided as a general guideline and does not restrict the Executive Director, Director, or Supervisor’s ability to discipline or discharge employees for any reason it deems appropriate or to detract from these guidelines.

<b>5.6.1</b>	Tardiness or unauthorized absence from work and/or excessive use of Leave Without Pay (LWOP).	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.2</b>	Loitering or leaving work-station during work hours without authorization	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.3</b>	Improper personal use of NMPH telephones and/or hardware, software or other equipment.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.4</b>		1 <sup>st</sup> Written Reprimand

	Willful violation of safety rules or carelessly endangering the safety of self or others.	2 <sup>nd</sup> Termination
<b>5.6.5</b>	Failure to report an on-the-job injury.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.6</b>	Threatening, coercing, or interfering with fellow employees during work hours.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.7</b>	Making false, vicious, or malicious statements about any employee of NMPH in any format internally or externally.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.8</b>	Misusing, destroying, or damaging any Tribal, NMPH, or property of any employee.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.9</b>	Employee's failure to meet the reasonable expectations of his/her employment.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.10</b>	Disclosing privileged or confidential personnel, organizational, or patient information without authorization.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Termination
<b>5.6.11</b>	Provoking a fight or fighting during work hours.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.12</b>	Sleeping on the job.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.13</b>	Insubordination or refusing to carry out a work or task request made by one's authorized supervisor.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Termination
<b>5.6.14</b>	By-passing the appropriate chain of authority or procedure to discuss a grievance or other employee concern.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.15</b>	Falsifying work-related records, embezzlement, and fraudulent use of travel advance or theft of NMPH property or funds.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.16</b>	Possession of dangerous weapon(s) or explosive(s) on NMPH properties.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination

<b>5.6.17</b>	Unauthorized removal of any NMPH property from work premise.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.18</b>	Reporting for work under the influence of alcohol or illegal drugs.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.19</b>	Consumption, possession, or sale of alcohol or illegal drugs while on the job.	1 <sup>st</sup> Termination
<b>5.6.20</b>	Inappropriate use of NMPH e-mail, internet, intranet systems; such activities include but are not limited to accessing or sending games, jokes, or other material that would be considered derogatory, offensive, obscene, or profane; aimless surfing; using the internet or e-mail for illegal or unlawful purposes.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Temporary or Permanent loss of email, internet or intranet access.
<b>5.6.21</b>	Absent Without Official Leave (AWOL): Employees who are absent from work for 3 consecutive days without notifying their immediate supervisor or the Executive Director will be considered to have voluntarily resigned and will be terminated unless the failure to notify was clearly out of their control.	1 <sup>st</sup> Termination
<b>6.6.22</b>	Failure to notify HR regarding change in driving status.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.23</b>	Failure to complete Self-Review or Performance Evaluation in the time frame allocated.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.24</b>	By-passing organizational process to address the NMPH Governing Body or individual Governing Body member regarding personnel, program, divisional or organizational issues.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.25</b>	Failure to comply with Administrative, Finance, Safety, Infection Control, or Departmental/Program Manuals and Procedures.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination



<b>5.6.26</b>	Failure to maintain professional licensure and/or certification.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.27</b>	Solicitation of medical or other staff for prescription drugs or purchase of illicit drugs by unauthorized staff person(s) in clinic or on NMPH premises.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.28</b>	Violation of Social Media Policy internal and/or external	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.29</b>	Violation of criminal law during or off work hours on or off NMPH premises or property including alcohol or drug related offenses.	1 <sup>st</sup> Suspension
		2 <sup>nd</sup> Termination
<b>5.6.30</b>	Solicitation, theft or sales of any controlled substances from NMPH staff or its clients by staff while employed by NMPH.	1 <sup>st</sup> Termination
<b>5.6.31</b>	Excessive use of LWOP (more than 5 days/quarter) or excessive absence from work with/without an excuse. No including use of LWOP for FMLA.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.32</b>	Going outside the NMPH Policies and Procedures to access current or potential employee information, references, health records or other information without proper authorization.	1 <sup>st</sup> Written Reprimand
		2 <sup>nd</sup> Suspension
		3 <sup>rd</sup> Termination
<b>5.6.33</b>	Failure to abide by any general section of the HRM.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension
		4 <sup>th</sup> Termination
<b>5.6.34</b>	Employees working unauthorized overtime.	1 <sup>st</sup> Verbal Reprimand
		2 <sup>nd</sup> Written Reprimand
		3 <sup>rd</sup> Suspension

		4 <sup>th</sup> Termination
<b>5.6.35</b>	Demotion as a result of the employee inability to meet the requirements of his/her position.	1 <sup>st</sup> Written Notice
		2 <sup>nd</sup> Written Notice
		3 <sup>rd</sup> Demotion
		4 <sup>th</sup> Termination
<b>5.6.36</b>	Bad Faith or Frivolous Complaint by NMPH employee.	1 <sup>st</sup> 3-day Suspension
		2 <sup>nd</sup> Termination

## **5.7 GRIEVANCE PROCEDURE**

The Grievance Policy and Procedure is created pursuant to Nez Perce Tribal Code § 2-5-2 to assist in implementing the Nez Perce Tribe’s Administrative Procedures. This policy is consistent with the Nez Perce Tribal Code. It is the policy of NMPH to secure for each employee the protections of law while providing comprehensive informal and formal procedures through which the grievance can be resolved. Any regular employee who has been reduced in pay, demoted, suspended or terminated as a result of disciplinary action shall have the right to appeal to the Hearing Officer through the chain of command. If an employee doesn’t feel it can be dealt with through the regular chain of command he/she may take their request to Human Resources to request direct access to the Hearing Officer. Notice of the appeal must be filed no later than five (5) working days from the action at issue. The employee’s notice of appeal must be in writing and presented on a “Step One Grievance Form” available through Human Resources. The appeal must set forth the reason(s) why the disciplinary action is thought to be improper and what resolution is requested. The Hearing Officer will review and address the grievance only after all informal and formal steps are exhausted.

(See Appendices D for Grievance Hearing Procedures)

**5.7.1** The complete procedure and all related forms will be provided to the employee upon presentation of the complaint to Human Resources. Human Resources will not discuss any aspect of the complaint outside formal proceedings of the grievance process.

**5.7.2** Only regular employees have the right to appeal the above-referenced disciplinary actions.

**5.7.3** Employees are encouraged to resolve disputes, and will be expected to produce documentation of the same, on an informal and mutually cooperative basis prior to filing a formal grievance.

**5.7.4** Until a grievance has been settled, all parties involved shall refrain from discussing any aspect of the grievance outside formal proceedings of the grievance process itself.

**5.7.5** If the Hearing Officer has a conflict with the grievance at issue (i.e. if the parties to the grievance would be a family member), the Hearing Officer shall be excused from the hearing. Both employees involved in grievance (not witnesses) will also be provided opportunity to assess potential conflict with Hearing Officer.

**5.7.6** No employee shall be retaliated against or subjected to discrimination for filing a grievance, regardless of its final disposition.

**5.7.7** A decision becomes binding on all parties whenever an employee does not file a timely appeal at any step of the grievance process.

**5.7.8** The only action an aggrieved employee may take beyond the grievance process is filing of a legal complaint with the Nez Perce Tribal Court. This policy in no way shall be construed as a waiver of the Nez Perce Tribe's sovereign immunity.

**5.7.9** The employer or employee may also file a conflict of interest request or request another hearing officer prior to or after the decision of the hearing officer. All requests for change of hearing officer or appeal of a decision made shall be submitted to the Hearing Officer.

**5.7.10** All other employee complaints, resulting from a perceived violation of NMPH policy or other non-grievable action, must follow the same process outlined in this procedure, with the final determination made by the Executive Director as opposed to the Hearing Officer. Complaints must be submitted within five working days of the alleged policy violation.

**5.7.11** In the event a complaint, resulting from a violation of NMPH policy, is lodged against the Executive Director, the complaint will be presented to Human Resources within five working days of the alleged infraction. Within 10 working days of receipt of alleged infraction, Human Resources will schedule a meeting before the Hearing Officer, who will hear the complaint within 30 days of the receipt of notification, with disposition to be offered three working days after meeting.

**5.7.12** No portion of the complaint or grievance process shall be constructed to allow for the hearing of the complaint or grievance by NPTEC or NMPH Governing Body. All complaints are restricted and limited to the process set forth in this policy and related procedure.

## **Step One**

- A. A written grievance statement must be presented by an employee to the immediate supervisor within five (5) days of the effective date of the action at issue. A copy must be provided to the Human Resource Manager. If the grievance involves the immediate supervisor, the employee may proceed directly to step two (2).
- B. Within five (5) working days of the presentation of the written grievance statement, the immediate supervisor shall meet with the grievant to discuss the grievance. Within five (5) working days of this meeting, the supervisor shall return in writing his/her decision for the disposition of the grievance. The supervisor will meet with the grievant to discuss and/or resolve the grievance.
- C. If a supervisor fails to arrange a grievant discussion meeting within five (5) working days of the presentation of a grievant statement, or if a supervisor fails to return a written disposition of a grievance within five (5) working days of a grievant meeting, an employee may present the grievance to the supervisor's immediate supervisor. This will initiate the second step of the grievance procedure.
- D. If the supervisor's disposition of the grievance is satisfactory, the grievant shall acknowledge acceptance of the supervisor's disposition by writing on the grievant response document "I

accept the disposition offered above” and by signing and dating the acceptance statement. The Human Resource Office will log the grievance and provide a receipt to the Grievant.

- E. If the grievant and the supervisor cannot agree on a disposition of a grievance, the grievant may file the grievance statement with the supervisor’s immediate supervisor within five (5) working days after the supervisor’s return, or should have returned, written disposition on the grievance. This will take the matter to the second step of the grievance process.

## **Step Two**

- A. In this step, a written grievance statement must be present to the Director or Executive.
- B. Within five (5) working days of the presentation of the grievance statement, the Director or Executive will meet with the grievant(s) to discuss the grievance. Within five (5) days of this meeting, the Director or Executive shall return in writing their decision for the disposition of the grievance.
- C. If the Director or Executive fail to hold the grievance meeting or to return the grievant disposition within the specified time limits, the employee may submit the presentation of the grievance to the Nez Perce Tribal Hearing Officer, thus initiating step three of the grievance process. Presentation to the Human Resource Office must occur within five (5) working days after the date the written decision was, or should have been presented to the aggrieved employee.
- D. If an employee is not satisfied with the Director or Executive’s disposition of the grievance in Step Two, the employee may request presentation of the grievance to the Nez Perce Tribal Hearing Officer within five (5) working days. This will initiate the third step of the process.

## **Step Three**

- A. In step three, the employee must present a written grievance to the Human Resource Office who will maintain all grievance records on behalf of the Hearing Officer. The Human Resource Office will immediately notify the Hearing Officer and the grievance shall then be scheduled for the next Hearing Officer hearing.
- B. Both the grievant and the involved management personnel shall be given an opportunity to present in the Hearing any additional information not in their written statement, before the Hearing Officer. (Hearing Procedure attached as Appendices D) The Hearing Officer may request additional hearing, hear witnesses, or take any other action he/she deems appropriate to resolve the grievance. The Hearing Officer shall render a decision of the grievance within two (2) weeks of the first hearing session on the grievance. No grievance procedure exists beyond the decision of the Hearing Officer.
- C. The only action an aggrieved employee may take beyond step three of the grievance process is the filing of a legal complaint with the Nez Perce Tribal Court.
- D. No portion of the grievance process shall be construed to allow for the hearing of grievances by the Nez Perce Tribal Executive Committee (NPTEC). All grievances are restricted and limited to the three (3) step process set forth above.

## **5.8 CRIMINAL OR JOB HISTORY BACKGROUND CHECKS**

Employees in a position where contact with children, juveniles, and vulnerable adults are included in their job responsibilities shall be required to undergo a criminal history check and background check at NMPH’s expense. Any information gathered will be treated as confidential. Such an investigation shall

occur prior to the completion of the Introductory Period, but prior to the employee providing direct patient care.

**5.8.1** Background investigations may be required for other positions, so long as such a check is reasonably related to the employee's job or is required by applicable law.

**5.8.2** Crimes against persons, or theft of property or other crimes directly related to position shall be grounds for not hiring and can be used in disciplinary action against employee if occurring during employment with NMPH.

**5.8.3** The background checks for staff shall include Tribal court and law enforcement checks for charges, convictions or other criminal or illegal activity.

**5.8.4** Crimes against children, vulnerable adults, or elders within the last 5 years shall be grounds for not hiring or termination of employment if employed.

**5.8.5** If a staff person is convicted of a crime during their employment the offense may be used in disciplinary action up to and including termination of employment.

## **5.9 HEALTH & SAFETY PRACTICES**

All personnel shall observe health practices that contribute to their own fitness and to the service effectiveness of all NMPH components. Personnel shall observe these health practices in particular:

**5.9.1** Employees should not report to work if they are ill. A sick employee performs poorly, prolongs the recovery process, and endangers the health of other employees.

**5.9.2** All employees shall promote a healthy and safe work environment by cooperating one with another in keeping their work area clean. Employees shall report potential health or safety hazards or violations to their supervisor immediately.

**5.9.3** Unless used for cultural or ceremonial purposes, smoking is prohibited on NMPH property or in NMPH vehicles.

**5.9.4** CPR certification is required for all positions. Managers shall be responsible for ensuring that employees obtain the required training and include verification as part of the annual review. A copy will be filed in the employee's personnel file.

**5.9.5** Every NMPH employee shall be informed of current immunization recommendations for adults and will be provided the needed & recommended vaccines free of charge. All employees must comply with the requirements of the NMPH Employee Immunization policy as a condition of employment.

**5.9.6** When an on-the-job accident occurs, employees at the scene shall call for appropriate medical, police, or fire assistance and then immediately report the incident to their supervisor and HR. The employee involved must also complete an incident report and contact HR for completion of an accident report within 24 hours, even if the accident does not involve medical attention or result in lost time. Employees will work cooperatively with HR and their health care providers to support the organization's Light/Early Return to Work Program.

**5.9.7** The NMPH Safety Committee shall receive direction and training from the Safety Officer for the facility.

## **5.10 INCIDENT REPORTS**

An incident is any non-routine event such as an accident, injury or near miss in the clinic or grounds that involves employee. All incidents are to be reported to HR within 24 hours of the occurrence via Incident Report Form.

**5.10.1** An employee shall initiate an Employee Incident Report form for all other non-routine events, including but not limited to those listed above.

**5.10.2** In the event the incident is an on-the-job injury, the employee must contact the HR office, regardless of time loss or whether treatment was sought. Employees must notify supervisor immediately and report to HR for a Tribal First form, and an Employee Incident Report form to be filled out regardless of time loss or for treatment sought with a provider in a scheduled or triage appointment.

**5.10.3** Incident reports do not include internal personnel issues, those shall comply with the procedures outlined in section 5.6 of the HR Manual.

## **5.11 EMPLOYEE PHYSICAL EXAMINATIONS**

NMPH retains the right to require a medical examination in the event essential job functions cannot be performed with or without reasonable accommodation.

## **5.12 CONFLICT OF INTEREST**

A conflict of interest is considered to exist where employee, volunteers, and/or members of the NMPH Governing Body actions or activities on behalf of NMPH involve personal gain or advantage or may present the potential for an adverse effect, creating an appearance of impropriety on NMPH's behalf. These conflicts could involve outside interests, activities, gifts, gratuities, entertainment and/or information.

The individual must declare a conflict-of-interest and refrain from further involvement regarding that issue. Upon declaration, the individual is forbidden to participate in discussion, debate, or any decision-making associated with the issue in conflict.

A declaration of conflict of interest does not interfere with any other activity, function or involvement in decisions affiliated with the operation on NMPH. Only the specific issue in which the conflict has been declared is affected by this policy.

## **5.13 WHISTLEBLOWER POLICY**

**5.13.1** Any employee may file a written complaint with the NMPH Executive Director, or his/her designee, communicating in good faith the existence of waste of NMPH finances, property, or

manpower, or a violation of law, rule or regulation under Tribal Code. The complaint must be supported by documentation or other evidence. Unsupported allegations will not be considered.

**5.13.2** The NMPH Executive Director or designee shall conduct an investigation into the complaint. For complaints against the NMPH Executive Director, the NMPH Governing Body Chairman or designee shall be responsible to conduct the investigation. A response to the complaint shall be provided within ten business days. Such response will not contain any confidential personnel information. Specific findings will be reported to the appropriate supervisor within the same frame, which shall include a determination as to whether the complaint was made in good faith or was frivolous.

**5.13.3** A supervisor or any other employee may not take adverse action against an employee because the employee, or person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of NMPH finances or grant funds, property or manpower, or a violation or suspected violation of a law, policy or regulation under this HR Manual, NMPH Finance Manual or Tribal Code. A supervisor or any other employee must not take adverse action against anyone who participates in good faith or gives information in good faith for an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review.

**5.13.4** An employee who makes a bad faith or frivolous complaint of improper activities shall be subject to disciplinary action in accordance with NMPH HRM Section 5.5 Discipline-General Guidelines or 5.6 Infractions and Discipline Guidelines. The findings shall be reported to the Supervisor, who will determine the appropriate personnel action, if any. For valid, verifiable complaints against the Executive Director, other staff, or the NMPH Governing Body, the Chairman of the NPTEC shall take action to rectify the matter.

## **SECTION 6: PERSONNEL BENEFITS AND SERVICES**

### **6.1 FRINGE BENEFITS**

Fringe benefits are voluntary, can be modified or eliminated with or without notice and are granted based on position classification. NMPH benefits consist of Leave benefits as set forth in this section, group Health Insurance, and group Life Insurance, Retirement Plan and an Employee Assistance Program.

### **6.2 HOLIDAYS/NEZ PERCE TRIBAL WAR MEMORIALS OBSERVED:**

All employees shall be given time off with pay for the following Holidays and War Memorials:

<b>HOLIDAY /MEMORIALS OBSERVED</b>	<b><u>DAY OBSERVED</u></b>
New Year's	January 1

Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
National Indian Day	May 13
Memorial Day	Last Monday in May
NP War Memorial (Whitebird)	June 17
Independence Day	July 4
NP War Memorial(Big Hole)	August 9
Labor Day	First Monday in September
NP War Memorial (Bear Paw)	October 5
Veteran's Day	November 11
Thanksgiving (Thurs. & Fri.)	Fourth Thurs. & Fri. in November
Christmas	December 25

**6.2.1** The Executive Director shall post notice of holidays in appropriate publication in January of each year designating the holidays for that year.

**6.2.2** If a holiday falls on a Sunday, it will be observed on the following Monday. If a holiday falls on a Saturday, it will be observed on the preceding Friday.

**6.2.3** Employees receive holiday pay based on their regular scheduled work hours per day.

**6.2.4** A non-exempt employee who has been preauthorized to work on an authorized leave day due to needing to complete work or a project will be paid time-and-a-half for hours worked on the holiday in addition to holiday pay described in 6.2.3.

**6.2.5** An employee shall not be charged annual leave or sick leave for leave that occurs on a holiday.

**6.2.6** If the holiday is observed on a regular scheduled day off, no holiday pay will be granted.

**6.2.7** To be eligible to receive holiday pay, an employee must have been in a paid status the working day before and working day after the holiday, per the employee's approved work schedule.

**6.3 ADMINISTRATIVE LEAVE**



The Executive Director may issue an official notice authorizing administrative leave for employees participating in certain upcoming cultural activities, trainings, workshops, General Council Meetings, Blood Drives, and inability to report to work because of unusually severe weather or natural disasters. To ensure Department coverage, such absence must be approved by the employee's immediate supervisor.

**6.3.1** Administrative leave for each activity will be determined by the Executive Director. A maximum of sixteen (16) hours of administrative leave can be granted per calendar year for employees participating in activities or unless otherwise preauthorized by NMPH Executive Director.

**6.3.2** The Executive Director may, under certain circumstances, at his /her discretion declare closure or adjusted hours of NMPH. All NMPH employees will be authorized administrative leave for those working hours affected by the closure.

**6.3.3** The sixteen (16) hour limitation shall not apply to administrative leave granted under HRM Section 6.3.2.

**6.4 PERSONAL TIME OFF (PTO)**

NMPH recognizes that employees have varied needs for time off from work. This program is designed to meet those needs and to encourage self-management in employees by providing for personal choices in planning and scheduling their personal time off from work and how they use their accrued hours.

Under this program, each employee has a reserve account called PTO. An employee accrues PTO on a bi-weekly basis and is earned according to the length of continuous employment with NMPH.

**6.4.1** NMPH will recognize prior service with any Nez Perce Tribal entity, provided that service has been continuous.

**6.4.2** Honorable active military service, evidenced by honorable discharge documentation, shall be considered as employment by NMPH for the purpose of computing PTO.

**6.4.3** Employees will accrue PTO hours based on the following schedule:

<b>Years of Service</b>	<b>PTO Accumulation Per Pay Period</b>	<b>Sick Leave Accruals</b>
1 - 3	5.5	2.5
3 - 15	7.5	2.5
15 +	9.5	2.5

**6.4.4** Regular full-time employees may accumulate a maximum of 480 PTO hours. Accruals will stop once the limit has been reached.

**6.4.5** Regular part-time employees may accumulate a maximum of 240 PTO hours. Accruals will stop once the limit has been reached.

**6.4.6** Employees must receive prior approval from their immediate Supervisor at least 24 hours before using PTO. Requests are considered based on needs of the Program, Division, and position coverage.

**6.4.7** Employees taking more than the 16 anticipated, consecutive PTO hours must request that time no less than two weeks in advance.

**6.4.8** PTO accruals discontinue for employees on any form of leave without pay.

**6.4.9** Employees may not “borrow” PTO against future accruals.

**6.4.10** Unscheduled PTO may only be used if the employee notifies their immediate Supervisor at least one hour prior to their scheduled work shift. Failure to notify the Supervisor in advance may prohibit use of PTO for that day. During absence because of sickness, employee must notify their Supervisor each day of their progress.

## **6.5 BENEFIT CONVERSION**

**6.5.1** Employees may receive a cash payment for unused PTO twice annually not to exceed 80 hours per request. The employee is required to have a total of 80 hours of PTO remaining after cash out and needs to have taken vacation during the last year or is scheduled to take, in the immediate future, up to 40 hours of paid time off.

**6.5.2** Any employee who has cashed out PTO within the last 12 months will not be eligible to receive donation of PTO.

## **6.6 PAYMENT OF PTO BALANCE UPON TERMINATION OF EMPLOYMENT**

**6.6.1** Employees are paid for their unused PTO balances upon termination of their employment with NMPH with the payroll following a completed exit report.

## **6.7 DONATION OF PTO**

**6.7.1** Employees are eligible for donated PTO if:

1. The employee or their immediate family member has an extended or catastrophic illness or injury.
2. The receiving employee has exhausted their PTO balance and has not cashed out any PTO hours during the 12 months prior to the request.
3. The Supervisor of the receiving employee and donating employee approve of the proposed leave and contribution.

**6.7.2** Hours donated and paid under this program are based on the hourly salary rate of the employee receiving the benefit.

## **6.8 REQUESTING PTO DONATION**

**6.8.1** The employee requesting a donation must submit a written request to HR, which includes the following information:

1. Reason for request, including the circumstances that create eligibility;
2. Number of donated hours requested (maximum 240 hours); and
3. Estimated beginning and ending date of absence.

**6.8.2** In the event the employee is incapacitated, any NMPH employee can request PTO donation for that employee. Requesting employee must provide above information.

**6.8.3** Only Human Resources can announce donation request. Only the name and position of the individual requesting donation will be divulged.

## **6.9 PTO DONATION PROCESS**

**6.9.1** An employee (donor) willing to donate unused PTO hours to benefit a fellow employee in need may indicate their intent by sending a completed PTO benefit Conversion to HR specifying the number of hours they wish to donate. The donor must have successfully completed their Introductory Period, have a minimum of 40 PTO hours remaining in their bank after their donation.

**6.9.2** HR will verify criteria have been met and forward document to finance. Donations are deducted from the donor's PTO balance at the time they are credited to the Extended Illness Leave balance of the recipient.

## **6.10 SICK LEAVE**

Regular full-time employees shall accrue 2.5 hours of sick leave per pay period. Regular part-time employees shall accrue sick leave on a prorated basis, based upon the number of actual hours worked each pay period.

**6.10.1** Sick Leave shall be used only when the employee is ill and cannot come to work or for medical appointments or when employee's dependents are ill or have medical appointments.

**6.10.2** An employee shall notify his or her immediate supervisor within one (1) hour before the scheduled starting time. Employees who use sick leave for a reason, which qualifies under Family Medical Leave must meet the notice requirements of the Family Leave policy. (See Policy 6.11)

**6.10.3** Employees who use three (3) consecutive workdays of sick leave must submit medical certification support of the leave. Employees who qualify may use the FMLA to take sick leave.

**6.10.4** Employees shall not receive payment for unused sick leave under any circumstances.

**6.10.5** An employee who has depleted all sick leave may, with the employee's supervisor's approval, take PTO leave. If the employee has no PTO leave available the employee may be placed on an unpaid leave of absence.

## **6.11 FAMILY LEAVE POLICY**

It is NMPH's policy and practice that supervisors and managers shall ensure that staff have a clear understanding of the FMLA policy and availability of staff to utilize FMLA when needed. Supervisors shall apprise staff of the process and forms that need to be filled out.

**6.11.1** Employees who have worked for NMPH for at least one year and for 1,250 hours in that previous year are eligible to use up to 12 weeks of unpaid family leave for certain family and medical reasons.

**6.11.2** NMPH will permit the use of the employee's PTO and Sick Leave for purpose of this leave.

**6.11.3** Leave will be granted for any of the following reasons:

1. To care for the employee's child after birth or placement for adoption or foster care;
2. To care for the employee's spouse, son, daughter, or parent, grandparent or persons Living in the household who has/have a serious health condition; or health condition; or
3. For a serious health condition that makes the employee unable to perform their job.

**6.11.4** In the instance of childbirth/adoption, if the wife and husband are both employees of NMPH, the two are limited to an aggregate of 12 weeks.

**6.11.5** The employee must provide 30 days advance notice when the leave is "foreseeable", and may be required to provide medical certification, depending on the circumstances of the leave. Taking or using this leave may be denied if these requirements are not met.

**6.11.6** If the leave is because of the employee's own serious illness or to care for a seriously ill family member as defined above, the employee may be eligible to take the leave intermittently or on a reduced work schedule depending on the determination of the health care provider. Intermittent Leave counts towards the total 12 weeks Family Leave.

**6.11.7** Medical certification will be required to support a request for leave because of a serious health condition and may require second or third opinions (at NMPH expense) and will require a release to return to work from the employee's healthcare provider in order to return to work.

**6.11.8** NMPH will maintain the employee's benefits during the Leave, however, PTO and Sick Leave will not accrue in the event any of the leave is unpaid.

**6.11.9** If the employee fails to return to work within three (3) days of the end of an approved medical leave, they will be considered as having voluntarily terminated employment and NMPH will require the employee to reimburse it for insurance premiums paid on the employee's behalf during the leave.

**6.11.10** An employee who returns to work after the end of an approved family leave, must work a minimum of 30 calendar days in order not to owe NMPH for insurance premiums paid on the employee's behalf during the leave.

**6.11.11** Family and medical leave shall be approved by the HR Manager and the Executive Director.

## **6.12 UNIFORMED SERVICES LEAVE AND RE-EMPLOYMENT**

Regular employees requiring a leave of absence for service in the uniformed services shall, under certain defined conditions, be provided leave, continue their benefits during their leave, and be re-employed at the end of leave this policy is intended to be in full conformance with all federal and local laws regarding the rights of military personnel and re-employment of veterans. Nothing in this policy shall subjugate those rights under the applicable federal or local laws.

**6.12.1** A full-time employee who is a member of a reserve component of the United States Armed Forces shall be allowed leave for required annual military training or duty for a period not exceeding 15 working days per year. If the time of the training period is optional, the employee and their immediate supervisor shall mutually arrange a military leave time that is most compatible with the employee's work requirements.

**6.12.2** Employee may use their PTO during this leave. Once PTO is exhausted, any leave will be without pay. An employee on military leave shall continue to accrue PTO, as long as the employee is in a paid status.

## **6.13 CONTINUING EDUCATION LEAVE FOR JOB RELATED TRAINING**

**6.13.1** Regular employees may attend accredited classes during work hours under the following conditions in an academic setting on a semester or quarterly basis:

1. The employee shall have worked for NMPH a minimum of 2080 hours;
2. No more than 8 hours per week shall be granted for Continuing Education Leave and shall only be authorized an adjustment for hours within the regular NMPH business hours;
3. That the employee's absence be approved by their Supervisor and Department Manager in writing and at least one month prior to the start of schooling, as LWOP or some other form of employment arrangement is set up with the employee's Supervisor and Department Manager such as part-time employment or flexible work schedules;
3. That each course/class taken be related to the job currently being performed by the employee.

4. That proof of successful completion of the class(es), a grade of "C" or better in each class, be provided within thirty (30) days of the last date of schooling for inclusion in the employee's personnel file.,
5. That the employee sign an Agreement stating that they fully intend to continue working for NMPH for the following year;
6. That books and/or reference materials shall be purchased by the employee student or by NMPH if agreement is made.
7. If for any reason the employee terminated employment prior to the one year agreement period, all costs associated with applicable course work/class will be held from the final paycheck(s).

**6.13.2** An employee's request to attend formal schooling will not be approved if the result is to reduce services to patients or detracts or reduces services within the department or division of NMPH.

**6.13.3** Employee has made every effort to obtain said schooling outside of normal business hours and can provide documentation of the same.

**6.13.4** Training dollars may be used for courses and materials upon appropriate approval applicable to current position.

**6.13.5** Employees' requests to attend formal schooling will be determined on a case-by-case basis. Factors that will be considered are:

1. the length of employment;
2. benefit to NMPH;
3. benefit to the employee, demonstrated commitment toward achieving a higher education goal;
4. past job performance;
5. availability of advancement within NMPH system and grade point average.
6. when making the determination to allow a staff member to attend college during work hours that every effort is made to ensure that tribal preference is considered.

#### **6.14 SHORT TERM TRAINING OR CERTIFICATION/LICENSURE UPGRADES**

(A) For short term training to upgrade job skills, licensure, certifications or increase job skills, Section 6.13.5 shall apply.

(B) Upon completing the short term training for upgrades or enhanced job skills, the employee shall be responsible for all costs incurred by the NMPH if employment is terminated prior to one year after completion of training

(C) For all staff training, efforts shall be made to ensure that tribal members are considered when advancing in their position or career will result from the training.

### **6.15 JURY DUTY**

Leave of absence for jury duty will be granted. An employee shall be granted leave of absence with pay for a period not to exceed two weeks each year. After two weeks, the employee will be granted leave to serve on jury duty without pay or may use PTO. During any paid period of leave, the employee will be required to sign over any payment the employee receives from the court for sitting on jury duty. The employee is entitled to accept and keep any payment the employee receives from the court during unpaid leave. An employee on jury duty will be expected to work as much of their regularly scheduled shift as their jury schedule permits.

### **6.16 LEAVE WITHOUT PAY**

Under emergency circumstances, when other forms of leave are not available such as with Family and Medical leave requests, leave without pay may be granted by the employee's immediate supervisor. LWOP is not a benefit and can result in disciplinary action if used excessively and creates hardship for department staff.

**6.16.1** Under no circumstances shall leave without pay be authorized for more than five (5) working days whether it is continuous or intermittent without specific authorization from the Executive Director.

**6.16.2** The Supervisor, Department Manager and Executive Director may grant a full-time employee leave without pay for a period not to exceed one year.

**6.16.3** Employee will not accrue PTO or Sick Leave during a leave without pay status.

**6.16.4** If leave without pay is granted for more than 30 consecutive days, employee benefits will discontinue, except in the case of an employee being on unpaid Family Medical Leave.

### **6.17 EMERGENCY LEAVE**

Employees may be eligible for a paid leave of absence for a death or serious illness in the employee's immediate family. Eligibility for emergency leave for death or serious illness shall be determined by the employee's immediate supervisor.

**6.17.1** Emergency leave of up to five (5) day per calendar year shall be granted to an employee for death, serious injury, or illness in the employee's immediate family. Immediate family members are defined in sub-section 4.3.1 of this policy. Absence or more than five (5) days for the purposes specified in this sub-section shall be unpaid or the employee may be allowed to utilize accrued leave benefits.

**6.17.2** Up to two (2) of the five (5) emergency leave days per calendar year may be used to attend memorials and/or funerals for members of the employee's immediate family or extended family. This leave is not in addition to the leave granted in section 16.17.1.

**6.17.3** Emergency leave shall be granted to employees during the time that extreme weather conditions or such natural disasters as fires or floods prevent them from working or reporting to work. Such conditions of emergency shall be determined by the Executive Director and announced by suitable means of communication.

**6.17.4** Each employee shall report emergency leave circumstances to his or her immediate supervisor as soon as the employee becomes aware of such circumstances.

**6.17.5** If the reason for the emergency leave qualifies as family medical leave, the employee will be required to meet the notice and medical certification requirement of the family leave policy. (See Section 6.11)

## **6.18 GENERAL LEAVE POLICY**

It is the policy of the NMPH to grant various kinds of paid leaves of absence and unpaid leaves of absence. All leaves must be authorized. Employees who are absent without authorization shall be considered AWOL. Leave records shall be maintained in each employee's payroll file.

### **Nez Perce Tribe Hazard Pay Policy**

#### **PURPOSE**

Emergency response is a primary duty of the Nez Perce Tribe. During such emergencies, employees of the Nez Perce Tribe may have to perform hazardous duties or perform duties in hazardous locations. The Nez Perce Tribe recognizes that employees should be compensated for their willingness to take on such hazardous duties.

In recognition of the importance of Nez Perce Tribal Employees who may have to risk their health and safety to perform their job duties, the Nez Perce Tribe is adopting a policy to provide Hazard pay for eligible employees for hours worked during a declared State of Emergency.



## **DEFINITIONS**

**Hazardous Duty** is defined as a duty performed under circumstances that could result in serious injury, infection, or death and despite protective device/equipment, complete protection may not be afforded.

**Hazard pay** is defined as the pay differential or additional pay an employee receives for all hours worked performing hazardous duty or work involving physical hardship.

**Physical Hardship** is defined as a work duty that causes extreme physical discomfort and distress which is not adequately alleviated by protective devices.

## **POLICY**

Nez Perce Tribal employees may be eligible for Hazard pay in the event that a Federal, State or Tribal State of Emergency has been declared.

The Nez Perce Tribe is comprised of the four entities: Nez Perce Tribal Government, Nez Perce Tribal Enterprises, Nez Perce Tribal Health Authority and Nez Perce Tribal Housing Authority.

Eligible employees will be defined by the Executive Director of each Nez Perce Tribal Entity depending on the nature of the State of Emergency. The list of eligible employees shall be approved by the Nez Perce Tribal Executive Committee.

Eligible employees shall include, but not be limited to:

1. Law Enforcement Officers and Law Enforcement Staff
2. Fire and Rescue Workers
3. First Responders
4. Health care Workers
5. Frontline Employees
6. Emergency Operations Center/Incident Command Officers and staff

Due to the fact that each Entity is funded differently, a Hazard pay schedule identifying eligible employees and pay rates during a State of Emergency will need to be approved by the Nez Perce Tribal Executive Committee for each entity.

All employees listed as eligible will be paid Hazard pay according to the Hazard pay schedule (as funding allows) submitted by each Tribal Entity and approved by the Nez Perce Tribal Executive Committee for work during the declared emergency.

## **TAX ISSUES**

According to the Internal Revenue Service, Hazard pay is considered taxable income. These amounts will be included on the employee's W-2.

## **SECTION 7: GLOSSARY**

**CHAIN-OF-COMMAND:** NMPH observes chain-of-command to recognize (1) Immediate Supervisor, (2) Department Director and (3) Executive Director OR (1) Executive Director, (2) NMPH Governing Body.

**CLINICAL KEY POSITIONS:** Behavioral Health Clinician, Behavioral Health Director, Chief Pharmacist, Community Health Lead Public Health Nurse, Dental Hygienist, Dental Manager, Dentist, Diabetes Coordinator, Lab Supervisor, Lead Clinical Nurse II, Lead Dentist, Medical Director, Medical Technologist, Mid-Level Provider, Nursing Operations Supervisor, Obstetrician, Pharmacist, Physician, Radiology Technician, Supervising Optometrist. Executive Director retains the right to deem a position a "Clinical Key" position at any time.

**CODE BLUE**: A procedure used in the event of cardio-respiratory arrest. Detailed procedures can be found in the Safety Manual and in the Right-To-Know Center in the Community Health library.

**CODE GRAY**: A procedure used in the event of a disruptive patient, staff or visitor. Detailed procedures can be found in the Safety Manual and in the Right-To-Know Center in the Community Health library.

**COERCION**: The use of force, intimidation or threat, whether real or perceived to persuade a subordinate to do something that is a violation of the HR Manual or a violation of Tribal code or the law, as usually related to a supervisor/subordinate relationship.

**CONDITIONAL OFFER OF EMPLOYMENT**: A written notification that an employee is being offered a position at NMPH, contingent upon completion of a satisfactory background, reference check or other documentation or review by the HR staff.

**CONFLICT OF INTEREST**: When employee actions or activities on behalf of NMPH involve the employee's personal gain or advantage or may present the potential for an adverse effect, creating an appearance of impropriety on NMPH's behalf. These conflicts could involve hiring decisions, nepotism, treatment of staff, outside interests, activities, gifts, gratuities, entertainment and/or information.

**CREDENTIALING**: The process by which medical providers (i.e.: Physician, Nurse Practitioners, Physician Assistant) are authorized to perform duties within the NMPH Clinic.

**CREDITABLE MILITARY SERVICE**: Honorable military service. Performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty or fitness for duty examination for purposes of uniformed service.

**DISMISSAL**: Involuntary termination of an employee's employment from NMPH.

**ETHICAL STANDARD OF CARE**: The standard that all Medical/Dental Practitioners shall be dedicated to providing competent medical/dental care, with compassion and respect for human dignity and rights.

**EXEMPT EMPLOYEE**: A managerial staff member whose job hours, duties, supervisory duties and other aspects of position mirror those within the guidelines of the Fair Labor Standards Act and Department of Labor.

**EXTENDED FAMILY**: Aunt, Uncle, Niece, Nephew, Grandparents, Grandchildren, (in-laws: Sister, Brother, Sister, Brother, Son, Daughter, Father, Mother), (adopted: Father, Mother, Brother, Sister, Grandparents) or any other individual living in the same household.

**EXTERNAL EQUITY**: Term for comparison of organizational job description with comparable job descriptions outside the organization to ensure competitive, fair salary and benefit levels.

**FURLOUGH**: A temporary action in which an employee is notified that he or she will not be required to report for work beginning on a specific date until further notice, usually because of a temporary unavailability of funds.

**GRIEVANCE**: An employee's formally lodged complaint regarding disciplinary action subject to the grievance process.

**GRIEVANT**: An employee who has filed a grievance action.

**HEARING OFFICER**: Through solicitation and contract, the individual who presides over, hears and offers disposition to grievances.

**HIRE DATE**: The date that employee was hired by NMPH or with any affiliate of the Nez Perce Tribe, provided there is no break in employment. This can be the same as "salary date" and will be the date used to recognize annual leave accruals.

**IMMEDIATE FAMILY MEMBER**: Mother, Father, Son, Daughter, Husband, Wife, Brother, Sister.

**IMMEDIATE SUPERVISOR**: The person responsible for directly supervising the work of other personnel.

**IMPROVED PATIENT CARE**: A current innovative method of health care delivery that incorporates patient-centered, Indian health, medical home concepts— into a system of care.

**INDIAN**: An individual who is a member of federally recognized Tribe of the United States or an Alaskan Native.

**INDIAN PREFERENCE**: A U.S. Federal law providing for NPTHB policy of giving authorizing preferential treatment to Indian individuals in hiring.

**INITIATED**: This term refers to the starting of an action being taken in regard to an investigation or other personnel matter and not the completion of the action to be taken.

**INTERNAL EQUITY**: Term for an organization comparison of job description to ensure fairness and consistency in salary level with in the organizations

**IN HOUSE**: Current NMPH employees and Nez Perce Tribal members.

**JOB AUDIT**: A formal procedure in which the HR department representative meets with a supervisor/manager and employee to discuss and explore the position's current responsibilities and determine the job duties and salary determination of current position.

**JOB DESCRIPTION**: A comprehensive written description of the objectives to be accomplished in a position, the work activities required to fulfill those objectives, and the background knowledge, skills and experience required to effectively carry out those work activities.

**LEAVE**: Authorized release of an employee from work obligations for a specific purpose and within a fixed time frame. Leave may be paid or unpaid.

**LONGEVITY DATE**: Date employed by NMPH.

**MINIMUM REQUIREMENTS**: The minimum educational, job experience or licensure in a job description that is required for a particular position.

**MODIFIED or RESTRICTED DUTY**: A temporary assignment of duties in accordance with a/the treating physician's restrictions. Should the employee's injuries permanently preclude the return to previous position, HR shall review options in conjunction with the affected Department and Director.

**NEPOTISM**: Favoritism shown in the conduct of official business on the basis of family relationships. Includes the appointment of or hiring of staff that may be supervised by a family member whether on the NMPH Governing Body or within the regular staff of the NMPH.

**NEZ PERCE TRIBAL EXECUTIVE COMMITTEE (NPTEC)**: The nine-person official governing body of the Nez Perce Tribe, elected by the General Council.

**NEZ PERCE TRIBE**: The Federally recognized tribe comprised solely of those members who are enrolled.

**NIMIIPUU HEALTH GOVERNING BODY**: The Governing Body members who are the legal governing body of NMPH.

**NON-CLINICAL KEY POSITIONS**: Business Office Manager, Executive Director, Facilities Manager, Finance Manager, Human Resource Manager, Information Technology Administrator, Information Technology Manager, Purchased Referred Care Supervisor, Quality Improvement/Risk Manager. Executive Director retains the right to deem a position a "Non-Clinical Key" position at any time.

**PAYROLL DEDUCTIONS**: Employee financial obligations deducted by the employer from the employee's pay.

**POSITION STARTING DATE**: The date the employee began working in their current position. This is the date that yearly evaluations will be based on and may or may not be the same as "hire date."

**PERFORMANCE EVALUATION**: The required annual evaluation that is to be completed by a supervisor by October 1 of each year.

**PROBATIONARY EMPLOYEE**: An employee whose performance is under review as a result of poor or marginal performance or behavior, or an employee who is placed on an employee improvement plan.

**PROMOTION**: Assignment of an employee to a position involving greater responsibility. A promotion is usually accompanied by advancement in pay.

**QUALIFIED PRIVILEGE**: Term used when employer is making reference checks in a factual manner without making statements that are known falsehoods. Legitimate Inquiry + Truthful Information + Absence of Malice= Qualified Privilege.

**REDUCTION IN FORCE**: Laying-off of employees due to reorganization, reduction in program funding and scope, or other administrative realignments.

**SERIOUS HEALTH CONDITION**: Inpatient care (i.e. an overnight stay) including a period of incapacity of any subsequent treatment in connection with inpatient care; a condition, including a chronic one, requiring continuing treatment with a health care provider; or a period of incapacity due to pregnancy or for prenatal care.

**TRIBAL MEMBER**: An enrolled member of the Nez Perce Tribe.

**TRIBAL PREFERENCE**: The right to extend hiring preference to enrolled members of the Nez Perce Tribe.

**UNDUE INFLUENCE**: Actions or Activities that involves one person taking advantage of a position of power over another person. This inequity in power between the parties can override one party's consent or authority as they are unable to freely exercise their independent will. See Coercion.

**WORK-RELATED INJURY**: Any injury or disease which results from working conditions, and which occurs during or in the scope of the employee's service to NMPH.

**WORK WEEK**: A work week beginning Sunday, ending Saturday. May be adjusted based on clinic needs or provision of services.

## **Acknowledgement of NMPH Human Resource Manual**

I acknowledge by my signature below that I have received, read and will comply with the Policies and Procedures as outlined in the Nimiipuu Health Human Resource Manual (HRM), revised November 24, 2020.

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Employee Name & Signature

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Date