

NUETA HIDATSA SAHNISH COLLEGE PERSONNEL POLICY MANUAL



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NUETA HIDATSA SAHNISH

COLLEGE

PERSONNEL POLICY MANUAL

SECTION 1: OVERVIEW

1.1 INTRODUCTION

This Personnel Policy Manual (“Manual”) serves as a guide to define the employment relationship between Nueta Hidatsa Sahnish College (“NHSC”) and all NHSC staff – full-time, part-time and temporary, exempt and non-exempt.

This manual is intended to assist us in attaining our mission, which is to provide quality cultural, academic and vocational education and services to the Mandan, Hidatsa and Arikara Nation. In meeting our mission, all NHSC staff members are expected to maintain high standards of honesty, integrity, impartiality, professional courtesy and consideration for each other, our students and our community.

In addition, NHSC recognizes that a dedicated, competent and personally satisfied staff is essential in attaining our mission, and the policies, procedures, practices and benefits described in this manual are designed to meet those goals. It is our sincere hope that your career will be both personally rewarding and substantially beneficial to our students and our community. Please familiarize yourself with all provisions of this manual, and welcome to Nueta Hidatsa Sahnish College.

1.2 LEGAL DISCLAIMER

As noted, this manual is a guide to assist NHSC staff in understanding the employment relationship. **Unless made part of a specific written agreement signed by the individual staff member and the President, this manual is not an employment contract; it does not guarantee the employment, rights or benefits of any staff member; and all staff members are considered employees at-will. Moreover, the provisions of this manual cannot be amended, revised or eliminated except through authorized written notice; and any contrary or supplemental oral representation of any provision herein is void and not the basis for any reasonable reliance. Lastly, NHSC explicitly reserves the right to amend, revise or eliminate any policy, procedure, practice or benefit described in this manual at any time.**

1.3 CHAIN OF AUTHORITY

The Board of Directors (“Board”) of NHSC is responsible for setting policies for all NHSC staff members. The Board employs the President, to whom it delegates

responsibility for the overall executive administration of NHSC. The President manages the staff, using policies approved by the Board.

Department Heads, immediate supervisors, program directors, and NHSC staff members are accountable to the President; therefore any communication with the Board is to be channeled through the President. Accordingly, except as set forth in Section 3.17, Grievance Procedure, a staff member should not appeal or approach the Board or the Three Affiliated Tribes Business Council regarding any NHSC issue or grievance without written consent from the President. Failure to obtain written consent, which will not be unreasonably withheld, may be considered insubordination and a basis for disciplinary action.

1.4 ORGANIZATIONAL CHART

Subject to written authorization or extreme emergency, as recognized concurrently or after-the-fact by the President or the Board, the line of authority will be according to the following order:

1. President.
2. Vice President of Academics.
3. Vice President of Student Services.
4. CFO/Vice President of Support Services.

The persons designated above will not have signature authority in excess of his or her normal levels unless given written approval by the Board.

1.5 REPRESENTING NHSC

While NHSC recognizes and respects every person's fundamental rights, including free speech, worship and assembly, NHSC staff members are not authorized to make any public appearance, issue any news release, or make any public speech as a representative of NHSC without the specific prior knowledge and authorization of the President, or his or her duly authorized designee. Staff members are also not authorized to speak with the news media as an official or unofficial spokesperson of NHSC without prior authorization from the President. All media inquiries relating to NHSC matters should be referred to the President.

1.6 OPEN DOOR

NHSC operates on an "open door" policy. All staff members are encouraged to provide input and suggestions concerning the overall operation, programs and policies of NHSC following the proper channels of communication. A staff member should initially present any comments to their immediate supervisor, or they may present appropriate input at staff meetings, or any standing or special committees on which they may serve. In those cases where this procedure may be inappropriate, staff members may approach their department manager or the President. Staff members may also choose to write their input on matters and bring it to the Administrative Committee or to the President.

Personnel matters affecting any staff member should be addressed in accordance with specific policies herein, or discussed with the immediate supervisor and/or Human Resources Director.

All staff member input may be considered and presented without fear of retaliation or personal recrimination. However, any staff member who disregards the proper channels of communication, as outlined in this manual, may be subject to disciplinary action.

1.7 ETHICS

NHSC expects and requires that all staff members behave in a manner that reflects the highest ethical standards, for ourselves, our college and our tribal community. This means that our behavior is not only legally compliant, but morally correct. A failure to conform to these ethical standards may result in disciplinary action, up to and including employment termination. Specific areas of scrutiny include:

A. **Conflicts of Interest.**

NHSC believes and expects that the primary interest of all staff members is the people we serve – our students, constituents, and community. A conflict of interest occurs when the interests of a staff member or another outside party actually or potentially affect Nueta Hidatsa Sahnish College in a negative way. Accordingly, it is the policy of NHSC to not only avoid conflicts of interest; but also appearance of conflict or impropriety. Such conflicts of interest include, but are not limited to:

- **Outside Business Interests:** Staff members may have outside business interests and outside employment so long as these do not interfere with job performance or detract from the integrity of the college. Staff members may not earn profit from outside employment or business interests, which directly results from affiliation with NHSC. Again, appearances of impropriety must be avoided.
- **Gifts & Gratuities:** Staff members are not to accept gifts, gratuities, free trips, personal property or other items from an outside person or organization as an inducement to provide services to NHSC. To avoid the appearance of impropriety, a staff member should not accept a gift, including holiday or birthday gift, meal or food item, of a value in excess of twenty-five dollars (\$25.00) from any entity doing business with NHSC. This does not include charitable donations or general donations or gifts for the college at large, or student organizations.
- **Personal Beliefs:** NHSC recognizes that its staff members may hold a wide range of personal beliefs, values and commitments. These beliefs, values and commitments are a conflict of interest when they prevent a staff member from fulfilling his or her job responsibilities, or unreasonably impinge on the beliefs of others. Staff members shall not attempt to use NHSC's time and facilities to further their personal beliefs, whether religious, political or

other, or attempt to convince others of their personal beliefs after they have been asked to stop.

B. Nepotism.

It is the policy of NHSC to avoid bringing family relationships into the workplace whenever possible. However, as an organization with a clear mission to its Native American community, NHSC recognizes that on occasion more than one family member may be employed or volunteer at the College.

Nonetheless, in order to avoid the appearance of partiality or impropriety, one relative should not supervise another, nor enter into a personal service contract with: a parent (birth or adoptive), spouse or domestic partner, son or daughter (birth or adoptive), stepchild, grandchild, brother or sister (by half or adoptive), or in-law of any relation. Pursuant to this policy, the term “supervise” means having the authority to appoint, employ, hire, assign, transfer, promote, evaluate, reward, discipline, demote, or terminate a co-worker or volunteer. The term “supervise” does not apply to an evaluation by peers or subordinates. If a conflict of interest, real or inferred, should arise, the supervisor shall immediately recuse himself or herself from the situation, and the matter shall be referred to a disinterested third-party administrator for resolution.

C. Contractors, Consultants and Service Providers

NHSC strives to hire or retain the best qualified contractors, consultants, service providers and/or vendors, consistent with legal requirements and bid procedures, where applicable. Accordingly, no staff member shall engage, influence the selection of, or recommend, without full disclosure, any contractor, consultant, service provider, vendor or prospective employee with which the staff member has any financial, personal, familial or other relationship which could, or have the potential to, affect the impartial business relationship with NHSC. This includes soliciting or recommending services of contractors, consultants, service providers or vendors who are related to or provide services to other family members or friends, where the solicitation or recommendation would create the appearance of impropriety. [See also Section 5.14].

D. Record Confidentiality

Consistent with legal requirements, and the needs of the college, NHSC staff members are required to ensure the confidentiality of the certain records relating to students, co-workers and work or information of a proprietary or confidential nature. Disclosure of confidential or proprietary information/records can be made only under specified conditions, and staff members should not disclose such information to anyone unless properly authorized. Examples of confidential or proprietary information/records include:

- **Student Records:** Student records are governed by the Family Education Rights and Privacy Act (“FERPA”), which prohibits the public disclosure of most student information [e.g., any information not defined as NHSC Directory Information], and limits disclosure of other student information on a need to know basis. Maintenance and disclosure of student records, and the requirements of FERPA, are administered by Student Services, and any inquiries or

questions regarding student records should be directed to the Vice President of Student Services.

- **Personnel Records:** Personnel records, including discipline, medical, payroll records and employee references, may be subject to federal and/or North Dakota legal requirements. Maintenance and disclosure inquiries should be directed to the Human Resources Director.
- **Financial & Business Records:** Certain financial and business records of NHSC contain preliminary or unaudited estimates, or information not legally accessible or within the public domain. Maintenance and disclosure inquiries should be directed to the CFO/Vice President of Support Services.

Staff members must not release any confidential or proprietary information over the telephone; the appropriate response to any phone inquiry is; “Nueta Hidatsa Sahnish College policy does not permit disclosure of this information over the phone. Please forward a written request to the college for appropriate consideration.” Additional policies relating to personnel records [Policy 3.18], employee references and employee information disclosures [Policy 4.27] are set forth herein, and should also be consulted.

SECTION 2: LEGAL COMPLIANCE

2.1 EQUAL EMPLOYMENT OPPORTUNITY

NHSC believes that equal employment opportunity is important for our continuing success and pursuit of our Mission. In accordance with federal and state law, NHSC will not discriminate against any staff member or applicant for employment because of race, color, religion, sex, national origin, age, disability, pregnancy, marital status, status with regard to public assistance, or participation in lawful activity off the employer's premises during non-working hours which is not in direct conflict with the essential business related functions of the employer, or because of status as a veteran, including hiring, promotion, demotion, training, benefits, transfers, layoffs, terminations, recommendations, rates of pay or other forms of compensation. Opportunity is provided to all staff members based on qualifications and job requirements, with due consideration for the NHSC policy of Tribal preference (see Section 2.3). NHSC intends to pursue and reinforce this policy of equal employment opportunity through open dialogue and continuous training. Any staff member with a question, comment or complaint relating to the NHSC equal employment opportunity policy should contact the Human Resources Director, or the President's Office.

2.2 AFFIRMATIVE ACTION STATEMENT

As stated, NHSC provides equal employment opportunity to all persons without regard to race, color, religion, sex, sexual orientation, national origin, age, disability, pregnancy, marital status, status with regard to public assistance, or participation in lawful activity off the employer's premises during non-working hours which is not in direct conflict with the essential business related functions of the employer, or because of status as a veteran, and promotes the full realization of this policy through a positive, continuing program of affirmative action.

NHSC will attempt to achieve and maintain a diverse work force through our affirmative action plan, including the following:

- Ensure that the NHSC policies of equal employment opportunity and affirmative action are effectively communicated to all staff members, applicants for employment, and constituent communities.
- Actively pursue all aspects of our affirmative action plan, including outreach, education and regular review by the Board.
- Ensure that all employment decisions, including hiring, promotion and salary administration are consistent with our policies.

2.3 TRIBAL PREFERENCE

As an accredited tribal college, Land Grant institution, and member of the American Indian Higher Education Consortium, NHSC seeks to employ individuals who are qualified in their particular fields and who accept the challenge of developing a quality higher education program for the Mandan, Hidatsa and Arikara Nation.

Accordingly, NHSC pursues a policy of Native American Preference in hiring, defined as preferential hiring of an individual who meets the preference requirements when applicants are equally qualified, according to the following Preference order:

1. Local tribal preference [Mandan, Hidatsa, Arikara].
2. Native American Indian preference (other federally recognized tribes).
3. Other.

2.4 NON-HARASSMENT

NHSC does not tolerate harassment of any type, including sexual, racial or ethnic forms, directed against any staff member, student, or NHSC guest or visitor. This means that the following behaviors, and others of similar nature, are grounds for disciplinary action, including employment termination:

- Unwelcome sexual advances, or requests for sexual acts or favors.
- Insulting, obscene or derogatory remarks, jokes, gestures or conduct, including name-calling, pushing or unwanted physical contact, bullying, hazing, stalking, or any other similar unacceptable behavior.
- Threats, demands or suggestions that a person's work or academic success is contingent upon toleration of, or acquiescence to, such unacceptable behavior, including sexual advances.
- Other statements or actions based on sex, race, ethnicity, disability or other protected classification that are sufficiently severe or pervasive so as to unreasonably interfere with an individual's work or academic performance, or create an intimidating, hostile or offensive working environment.
- Retaliation against any person for complaining or providing evidence of such behaviors.

Any person who believes that he or she has been subjected to harassment by a superior, a co-worker, a vendor or other constituent should bring the issue to the attention of NHSC administration as soon as possible. Harassment issues may be raised with any of the following persons:

1. Immediate Supervisor
2. Human Resources Director
3. College President

As stated, NHSC prohibits retaliation against anyone requesting the investigation of alleged harassment made in good faith, or cooperating with that investigation.

Allegations of harassment will be investigated as soon as reasonably possible, and an investigation shall be initiated no later than two weeks after a written complaint has been filed. Consistent with legal requirements, and to the extent appropriate as determined by NHSC, the allegations of harassment and the identities of the persons involved will remain confidential, in order to conduct a full and impartial investigation, remedy violations, monitor compliance and administer this policy. The investigation will include, but will not be limited to, discussion with the parties and witnesses and a

review of documentation. Upon conclusion of the investigation, a report will be forwarded to the President's Office with recommendations of remedial action, if necessary. The President's Office will review the recommendations, determine the corrective action, if any, and notify the parties of its decision and implementation.

The President of the College shall provide an annual report to the Board of Directors summarizing the frequency, nature, and outcomes of complaints that were filed during the calendar year.

2.5 LEGAL EMPLOYMENT AUTHORIZATION

The Immigration Reform and Control Act of 1986 requires that NHSC ensure that staff members are authorized to work in the United States; and accordingly, only individuals lawfully authorized for employment in the US will be employed by NHSC.

In connection with this legal requirement, NHSC must collect certain information on the USCIS Form I-9 and review certain documentation concerning employment authorization. This information and documentation will be used only for compliance with the Immigration Reform and Control Act of 1986, and not for any unlawful purpose. If your employment authorization changes or terminates after the start date of your employment, you are required to inform the Human Resources Director and your supervisor immediately.

NHSC participates in the E-Verify system. E-Verify is an Internet-based system that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility. E-Verify compares the information to records available to the U.S. Department of Homeland Security, including:

- U.S. passport and visa information
- Immigration and naturalization records
- State -issued driver's licenses and identity document information
- Social Security Administration records.

E-Verify sometimes displays a photo for the employer to compare to the photo on the employee's document to ensure the document photo has not been altered.

If the information matches, the case will receive an Employment Authorized result immediately.

2.6 DRUG-FREE WORKPLACE

A. Policy.

The Federal Drug-Free Workplace Act of 1990 requires recipients of federal funds to certify that they provide drug-free workplaces and have issued drug-free workplace statements to their employees. Accordingly, it is the policy of NHSC that all workplaces, facilities and on-duty employees be alcohol and drug free.

NHSC has adopted this policy not only in compliance with the legislation, but

also to avoid the recognized dangers arising from drug and alcohol abuse in the workplace. These dangers include death or injury to the staff member, his or her co-workers, or the general public due to accidents, poor judgment, or overall carelessness. Substance abuse also results in lost productivity, reduced efficiency, increased absenteeism, and interference with the job performance of co-workers.

Accordingly, the manufacture, distribution, dispensation, possession, or use of a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. §801, *et seq.*), without a valid, lawful prescription (“unlawful controlled substance”), in any NHSC work area or facility is strictly prohibited.

Further, staff members while on-duty and/or representing the College, whether during regular working hours or irregularly assigned hours, are prohibited from partaking in any alcohol, unlawful controlled substance or other intoxicant.

Moreover, no alcoholic beverages or unlawful controlled substance shall be stored, consumed or transported in any NHSC vehicle (owned or rented).

Finally, the Drug Free Workplace Act and this policy require that all NHSC staff members:

1. Abide by the terms of this Policy.
2. Notify NHSC in writing of his or her conviction for the violation of any criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
3. Understand that NHSC is required to take appropriate action, up to and including employment termination, consistent with the requirements of the Rehabilitation Act and/or the Americans with Disabilities Act, or may require such employee, at its sole discretion, to participate satisfactorily in a substance abuse assistance or rehabilitation program as set forth herein.

B. Job Applicants.

Job applicants who have been tendered an offer of employment by NHSC may be required to take a drug and alcohol test as a condition of employment. Any applicant with a confirmed positive test, or an applicant who refuses testing, will not be considered for employment at NHSC.

C. “For Cause” Testing.

In addition, NHSC staff may be required to take a drug and alcohol test under the following circumstances:

- Any staff member who sustained or caused another employee to sustain a work related personal injury requiring clinical treatment.
- Any staff member reasonably suspected to be under the influence of drugs or alcohol.
- Any staff member referred by NHSC for chemical dependency

treatment or evaluation, or who is participating in a chemical dependency treatment program under an employee assistance plan, during the evaluation or treatment period and for up to two (2) years following program completion.

NHSC will use a laboratory licensed by the state, and all information obtained through drug and alcohol testing will be strictly confidential. Any staff member who refuses or who fails to take a test under the above circumstances will face immediate discipline, up to and including employment termination.

D. Employee Assistance Program.

Lastly, NHSC recognizes that a variety of personal problems or situations may interfere with the ability of a staff member to perform satisfactorily while on the job. In responding constructively to these problems, it is our intention to restore the job effectiveness of the staff member, and to provide the assistance he or she may need.

1. NHSC supports referral and rehabilitation efforts of staff members affected by personal problems or situations, including substance abuse. A staff member's job will not be jeopardized solely because he or she has voluntarily sought and conscientiously completed a program of treatment.
2. NHSC will make available the name, address and phone number of outside agencies that offer or make referrals for treatment. Staff members who suspect they have a problem are urged to take advantage of the Employee Assistance Program and voluntarily follow through with any prescribed treatment.
3. Supervisory personnel are encouraged to refer staff members with unsatisfactory job performance likely due to personal, behavioral, or substance abuse problems to a treatment program before the matter rises to the level of disciplinary action.
4. Any staff member who refuses referral or treatment, or who does not satisfactorily continue or complete treatment, will be subject to discipline if his or her job performance is unsatisfactory. Likewise, any staff member undergoing treatment whose unsatisfactory job performance does not markedly improve in a reasonable period of time may be subject to discipline in the same manner as any other substandard performance.
5. Notwithstanding any Employee Assistance Program, reporting to work under the influence of drugs or alcohol, or possession of drugs or alcohol under this Policy will result in immediate dismissal.

2.7 WORKPLACE SEARCHES

Definition of College property. To protect college property and to ensure the safety of all employees, the college reserves the right to inspect and search any employee's office, desk, drawers, cabinets, files, equipment, including computers, email and voice mail, company vehicles, and any area on the premises. In this regard, it should be noted that all offices, desks, file drawers, cabinets, and other college equipment and facilities are the property of the college, and are intended for business use only. Employee

should have no expectation of privacy with respect to items brought onto college property and/or stored in college facilities. Inspection may be conducted at any time, without notice, at the discretion of college administration.

In addition, when the college deems appropriate, employees may be required to submit to searches of their personal vehicles, parcels, purses, handbags, backpacks, brief cases, lunch containers, or any other possessions or articles brought on to the college's property.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. All employees must cooperate in an inspection; failure to do so is insubordination and will result in disciplinary action, up to and including termination.

2.8 COPYRIGHT

A copyright is a form of legal protection for authors of "original works", which prevents others from printing or otherwise duplicating, distributing or selling copies of literary, artistic or creative expression. Pursuant to the Copyright Act of 1976, a copyright protection arises automatically when an original work is first "fixed" in a tangible medium of expression, such as filmed, drawn, or saved to an electronic file. And while registration of copyrighted material is recommended, it is not required in order for the author to assert his or her rights. Typical copyrighted material includes cartoons, blogs, books, newsletters, computer software, music, lyrics, and other written material in paper or digital format.

Copyright protections survive for many years, and staff members should be mindful of those protections before copying or distributing copyrighted materials without the author's consent. Limited use of copyrighted materials is permissible under the "fair use" doctrine; but before a staff member considers this exception, he or she must document:

- Non-commercial purpose of the use.
- Nature of the use [e.g., instruction or critique].
- Percentage of copyrighted material used [a few pages vs. an entire book].
- Amount used [one copy vs. 100].
- Value of copyrighted work used without permission.

Once this documentation is assembled, the staff member should discuss the matter with the Vice President of Academics and/or the President.

In the case of "original works" developed by a staff member for instruction, sale or other dissemination, NHSC retains all copyrights and ownership of such works.

SECTION 3: EMPLOYMENT PRACTICES

3.1 HIRING PROCESS

Consistent with its Affirmative Action Plan, and policy of promotion from within, NHSC strives to hire the best qualified candidates for open positions. The following summarizes the hiring process, and identifies the role of the supervisor to whom the open position will report. Initially, all recruitment efforts are to be coordinated through the Human Resources Director. The process for filling open positions, whether regular or temporary, full or part-time, is as follows:

1. The supervisor must complete a Personnel Requisition, which summarizes the position and requirements, lists minimum and preferred education and experience, identifies any internal candidates, and identifies funding source(s). The Personnel Requisition must be approved by the Department Administrator and President, who then forward it to the Human Resources Director to initiate the recruitment process.
2. The Human Resources Director prepares a Job Posting that includes an abbreviated job description, proposed pay range, minimum qualifications, and desired qualifications of candidates. The hiring committee directs the HR in regard to where to post the position. At a minimum, each position will be posted on the NHSC Website and on Social Media (Facebook). The Job Posting must be approved by the supervisor prior to posting.
3. The job will be posted internally via the College email system for up to one week prior to advertising externally.
4. The HR Director selects two other staff from faculty, support services or administrative staff, in addition to the supervisor, to create an *ad hoc* three-person committee to screen and rank applications of candidates. In cases of Faculty appointments, the committee will consist of the Vice President of Academics, the Academic Dean, and one Faculty member.
5. Applications are screened and ranked, and if appropriate, the best qualified candidates are scheduled for interview with the committee.
6. The committee conducts interviews, assures that references have been checked, and makes a final recommendation of hire, if appropriate.
7. The President makes the final decision for hire, and the Human Resources Director issues an offer letter to the selected candidate.
8. Upon acceptance of the position, the HR Director initiates a background check. The applicant may begin work, but employment is probationary until the background check is complete.
8. The Human Resources Director sends a letter to any applicants not selected.

A Personnel Hiring Packet and Checklist containing all applicable forms [Personnel Requisition, Job Posting, Application for Employment, Candidate Evaluation, Offer

Letter and Rejection Letter] is available in electronic format from the Human Resources Department.

3.2 RECRUITMENT

Consistent with its Affirmative Action Plan, and policy of promotion from within, the following summarizes the major elements of NHSC's recruiting policy:

A. **Internal Job Posting.**

All job openings will be posted on the designated NHSC bulletin boards, via the campus email system, and website in order to facilitate internal promotions and transfers. Current staff member applicants and referrals will be considered before equally qualified external candidates, as determined by the hiring committee created for the opening involved.

B. **Public Advertisement.**

Following internal job posting, job openings will be posted, at a minimum, on the NHSC website and social media (Facebook). The hiring committee directs HR on an additional advertising venues. It may be advertised publically on general and specialized internet job boards, as well as in local, regional and national newspapers and specialized publications, when appropriate, with due consideration of NHSC's outreach efforts.

C. **Testing/Certifications.**

Applicants for certain positions may be required to successfully complete specialized tests or demonstrations, or provide evidence of current, unrestricted certifications as a condition of employment. Any tests or demonstrations must be appropriately validated. [Pursuant to Section 2.6(B), Drug-Free Workplace, job applicants who are tendered an offer of employment may be required to undergo drug and alcohol testing as a condition of employment.]

D. **References.**

All Applicants are required to provide at least (3) letters of recommendation and/or references in order to be considered for employment. References will be checked before any offer of employment is communicated. Criminal background and/or driving record checks also may be required.

3.3 LICENSES & CERTIFICATION

Staff members whose jobs require professional licensure or certification must present documentation of their license or certification prior to employment, and must keep their license or certification current at all times. Copies of licensure or certification are to be made part of the staff member's personnel file. Where appropriate, a staff member may request payment or reimbursement of the cost of any license or certification, which shall be at the discretion of the President.

3.4 JOB DESCRIPTIONS, CLASSIFICATIONS & SUMMARY OF BENEFIT ELIGIBILITY

NHSC will maintain job descriptions for all positions: professional, classified, and volunteer, exempt and non-exempt. In the event a new position is created, a written job description will be prepared and approved by the supervisor and Human Resources Director.

Staff positions will be classified as exempt or non-exempt, consistent with the requirements of the Fair Labor Standards Act (“FLSA”) and the FLSA overtime provisions, which apply only to non-exempt employees. In addition, for the purposes of benefit eligibility and accrual, positions will be classified as follows:

- Administration: Exempt, full-time managerial positions which include the President and his or her direct reports.
- Faculty: Exempt, professional positions under contract, including full-time, part-time and adjunct positions.
- Regular Full-Time: Exempt and non-exempt positions where a staff member is expected to be employed at least 35 hours per week, for one year or more in duration.
- Regular Part-Time: Exempt and non-exempt positions where a staff member is expected to be employed for less than 35 hours per week, for one year or more in duration.
- Temporary Full-Time: Exempt and non-exempt positions where a staff member is expected to be employed for a specified, limited period, not to exceed six (6) months, for at least 35 hours per week.
- Temporary Part-Time: Exempt and non-exempt positions where a staff member is expected to be employed for a specified, limited period, not to exceed six (6) months, for less than 35 hours per week.
- Casual Labor: Ad-hoc positions of less than 2 weeks in duration, with work not to exceed 40 hours per week.
- Consultants/Independent Contractors: Firms or individuals hired on a contract basis to provide services or expertise for a specified term for a specified project.

With the exception of Faculty, who are subject to contracts of specific duration, **all staff members, exempt and non-exempt, are considered employees at-will, meaning that their employment is of indefinite duration, and either the staff member or NHSC may terminate the employment relationship at any time, with or without notice and for any or no reason, notwithstanding any contrary provisions herein, including the employment termination and grievance provisions.** No agreement to the contrary is authorized unless such an agreement is in writing and signed by the President.

Consistent with the NHSC benefit plans and legal requirements, staff members within the foregoing classifications are eligible for benefits as follows:

<u>Benefit</u>	<u>Admin.</u>	<u>Fac.</u>	<u>Reg. FT</u>	<u>Temp. FT</u>	<u>Reg\Tem PT</u>	<u>All Others</u>
Statutory [FICA, MediCare]	X	X	X	X	X	
Workers' Compensation	X	X	X	X	X	
ND Unemployment	X	X	X	X	X	
Military Leave	X	X	X	X	X	
FMLA	X	X	X	If 1250hrs/y r.	If 1250hrs/y r.	
Holiday Pay	X	X	X	X		
Admin. Leave	X	X	X			
Sick Leave	X	X	X			
Vacation	X	X	X			
BC/BS & COBRA	X	X	X			
401(k) Retirement	X	X	X			
Severance	X	X	X			
Bereavement	X	X	X			
Jury Duty	X	X	X			
Voting	X	X	X			
Prof. Memberships	X	X	X			

3.5 STUDENT & OUTSIDE VOLUNTEERS

NHSC strives to provide opportunities for students and volunteers in order that they may gain practical and professional experience, as well as have an outlet for helping the people we serve.

To be accepted as a volunteer, candidates must be interviewed by their immediate supervisor and the Human Resources Director, and may be required to provide references. Accepted volunteers, including students, will be expected to adhere to a work schedule and observe the same rules and code of conduct as all staff members. Student volunteers will have their work performance evaluated by their supervisor. All volunteers, including student volunteers, serve at the discretion of NHSC, which may terminate the relationship at any time for any reason.

3.6 PROBATIONARY PERIOD

All staff members are subject to a probationary period as follows:

A. New Employees.

All new employees, including Faculty, are subject to a ninety (90) day probationary period, during which NHSC may specifically monitor job performance and attendance, and during which the staff member is not eligible to use vacation or sick leave [although such leave, if eligible, accrues from the first day of employment]. During the probationary period, NHSC may terminate the employment relationship at its discretion, including the employment of new Faculty who are under contract.

B. Promotions and Transfers.

Any staff member, including Faculty, who is promoted or transfers from one position to another or from one department to another is subject to a ninety (90) day probationary period, during which NHSC may specifically monitor job performance and attendance. The staff member may use accrued vacation and/or sick leave during this probationary period; and at any time during this probationary period, the staff member may resign without prejudice to his/her employment with NHSC. During this probationary period, NHSC may also reassign the staff member or terminate the employment relationship at its discretion.

C. Interim Performance Evaluations.

All new or transferred staff members may be formally evaluated prior to the end of their probationary period. The staff member's supervisor will conduct the evaluation for the purpose of determining a recommendation for the continuation or termination of employment, and for the determination of possible training needs.

3.7 WORK SCHEDULES

NHSC normal hours of operation are from 8:00am to 5:00pm, Monday through Friday; however, classes may be scheduled during evenings and special projects may be scheduled on weekends. Accordingly, Department heads and supervisors may adjust the

work schedules of staff members, so long as the total hours of work expected for the position are fulfilled. Exempt staff members, including Administration and Faculty, may be required to work beyond the normal hours of operation in order to adequately fulfill their duties.

All staff members are expected to be at their work area on time and ready to begin work as scheduled. All staff members are entitled to a 60-minute lunch break and two 15-minute coffee breaks, one in the morning and one in the afternoon.

Except in cases of extreme emergency, any staff member who is unable to report to work on time or unable to report for a full day should inform his or her supervisor as soon as possible, and in no case less than 30 minutes before the start of his or her work schedule. Failure to provide adequate notice of absence is grounds for disciplinary action.

3.8 PERFORMANCE APPRAISALS

The job performance of all staff members, including Faculty, is to be evaluated annually to assess job performance and accomplishments, as well as to offer the opportunity to discuss training and career objectives.

A Staff Performance Appraisal, available in electronic format from the Human Resources Department, is to be used to record all formal performance appraisals, and all individuals supervising the staff member will contribute to the appraisal process. These records will be used in conjunction with salary reviews, promotions, transfers, layoffs and other personnel actions

A staff member will be given the opportunity to review and make copies of the performance appraisal; He or she is encouraged to discuss the appraisal with his or her supervisor and include written comments; and any staff member who disagrees with his or her appraisal is encouraged to discuss areas of disagreement with his or her supervisor, or the Human Resources Director. Staff members are expected to sign and date their appraisal after all comments have been noted.

Performance appraisals become a permanent part of the staff member's personnel file, and this information will be held in strict confidence.

3.9 PROMOTIONS, TRANSFERS & DEMOTIONS

Staff member promotions, demotions and transfers are made on the basis of several factors, including individual knowledge, skills, abilities and demonstrated performance. When making such decisions, NHSC will observe the following guidelines.

A. **Promotions and Transfers.**

To be eligible for a promotion or transfer, a staff member must:

1. Be performing at a satisfactory level in his or her present job;
2. Have held the present position for at least six (6) months; and
3. Not be subject to any progressive disciplinary action.

However, eligibility for a promotion or transfer does not necessarily mean the staff member will be promoted or transferred. Seniority may apply when candidates are equally qualified.

Promotions and transfers should take effect as soon as possible, without undue disruption of operations. Each staff member who is promoted or transferred may receive a pay increase at the time of the promotion or transfer, and must serve a ninety (90) day probationary period in the new position. Staff members who fail to satisfactorily complete this probationary period may voluntarily resign, or be reassigned or terminated at the discretion of NHSC. All promoted or transferred staff members receive the rights, privileges, benefits and responsibilities attendant to the position to which they are promoted or transferred.

B. Demotions.

A demotion may occur any time a staff member fails to satisfactorily meet performance standards established for his or her current position. Before demoting a staff member, he or she must be informed of specific performance deficiencies through counseling and a formal performance appraisal, understand the expected performance standards, and be given reasonable time to improve his or her performance. Demotions may include a reduction in pay.

Demotions and/or transfers may be used only in job performance cases, not for misconduct or other disciplinary purposes.

3.10 DISCIPLINARY PHILOSOPHY

NHSC values its staff members, and strives to provide adequate opportunities to succeed. Accordingly, NHSC uses progressive discipline to ensure staff members are given the opportunity to meet performance standards, and comply with professional and ethical requirements. Except in cases of serious, repeat, willful or flagrant violations, a supervisor should not resort to formal discipline until informal attempts to correct the problem or situation have failed.

If informal corrective efforts fail, disciplinary action should be meted-out according to the following steps:

1. Formal counseling.
2. Written warning.
3. Disciplinary probation.
4. Suspension.
5. Termination.

Normally, formal discipline is imposed according to the foregoing steps in a descending order; however, the frequency and/or severity of misconduct will determine the level of disciplinary action, regardless of the stepped process. All discipline should be documented, with records confidentially maintained in the staff member's personnel file.

3.11 FORMAL COUNSELING AND WRITTEN WARNINGS

Formal counseling and/or written warnings are warranted when the supervisor has exhausted informal attempts to correct an employment problem or situation, and are limited to non-serious infractions. Documentation of both formal counseling and written warnings should be signed by the supervisor and staff member, and kept in the staff member's personnel file. If a staff member refuses to sign, the supervisor should have a witness sign that a copy was given to the staff member. The Corrective Action Form used to document the discipline includes the date of the infraction, date of the counseling or warning, nature of infraction or violation, actions necessary for improvement, and an admonition that further disciplinary action may result from any failure to demonstrate improvement. The Corrective Action Form, in electronic format, is available from the Human Resources Department.

3.12 DISCIPLINARY PROBATION

A staff member may be placed on disciplinary probation in order to allow the staff member the opportunity to demonstrate improvement or elimination of the problem or situation specified at the time of probation. Normally, disciplinary probation should be between three (3) and (6) months, with monthly review by the supervisor of the staff member's progress.

The disciplinary probation period begins when the supervisor provides the staff member with a written and signed Corrective Action Form which:

1. Identifies the problem(s) or situation;
2. Indicates those actions necessary for improvement;
3. Specifies the length of the probation period; and
4. Informs the staff member of further disciplinary action, which could result from a failure to show satisfactory improvement within the specified probation period.

3.13 SUSPENSION

Upon the written recommendation of the supervisor, and authorization of the President, a staff member may be suspended, with or without pay, for incidents that merit termination if the staff member's participation in misconduct is suspected, but unclear. Under these circumstances, the President may suspend the staff member with pay while an investigation is conducted, and later convert the suspension to without pay, or terminate employment, once the investigation is complete.

A staff person who is suspended will be given Corrective Action Form which specifies the reason(s) for the suspension, the effective dates of the suspension, whether the suspension is with or without pay, and notice that employment termination may result if the completed investigation warrants termination, or further misconduct is discovered or occurs after any reinstatement.

If employment is not terminated, the supervisor and Human Resources Director will meet formally with any suspended staff member upon his or her return to work, and

specifically define the improvements in job-related behaviors required as a condition to continued employment. This meeting will be documented, with a copy submitted to the President.

3.14 EMPLOYMENT TERMINATION

Typically, employment termination will be imposed immediately for serious, repeat, willful or flagrant violations, including but not limited to:

1. Theft, including removal of NHSC property, or the property of another staff member, without prior authorization.
2. Drugs/Alcohol possession, use, sale, purchase or distribution of alcohol or any illegal drugs on NHSC property, or reporting to work under the influence of alcohol or any illegal drugs. [See Section 2.6].
3. Knowingly falsifying one's time record, the time record of another staff member, or soliciting such conduct.
4. Knowingly falsifying or altering NHSC records, including records pertaining to financial, academic or personnel matters.
5. Sabotaging or willfully damaging NHSC property or equipment, or the property of another staff member while on NHSC property.
6. Walking off the job without supervisor permission.
7. Insubordination, including defaming, assaulting or threatening to assault a supervisor, or refusing to carry out the order of a supervisor [where personal safety is not an issue], failure to follow the chain of command (see Section 1.3), or a serious breach of the Ethics Policy (see Section 1.7).
8. Fighting or provoking a fight on NHSC premises.
9. Absence for three consecutive working days without notice to the NHSC, in which event the offending staff member will be deemed to have voluntarily resigned.
10. Sleeping on the job.
11. Carrying a concealed weapon on NHSC property, including any NHSC vehicle.
12. Conviction of a felony, or conviction of a misdemeanor involving moral turpitude.

In cases where employment termination is the next, and last, step in a progressive discipline situation, the President, in conjunction with the Human Resources Director, will assure that the employment termination decision is properly supported and documented, that the staff member was properly notified and had ample opportunity to correct any performance or behavioral deficiencies, and that the staff member failed to correct these deficiencies.

3.15 RESIGNATION

A staff member who voluntarily resigns from his or her position must provide at least two (2) weeks' notice, in writing, of an intent to resign. At the option of NHSC, the staff member may be given two weeks' pay and be required to discontinue work immediately, in lieu of working during the two-weeks-notice period.

Staff members who miss work for three consecutive days without notifying their supervisor, or have three consecutive days of unexcused absences, are considered to have voluntarily resigned.

Key administrative (President, Vice-Presidents, Dean, Director of Grants, HR Director) and faculty positions must give at least a thirty (30) day notice, in writing.

3.16 REDUCTIONS-IN-FORCE

NHSC strives to minimize the negative impact of any reduction in the work force; however, layoffs or reductions in hours of work, and accompanying pay, may be unavoidable due to forces beyond its control. If a reduction-in-force becomes necessary, NHSC will attempt to eliminate positions where the impact to operations can be minimized, with staff in those positions reduced progressively, using the following enumerated steps:

1. Voluntary reductions, including early retirement, unpaid leave of absence or reduction in hours.
2. Attrition.
3. Elimination of part-time positions prior to full-time positions.
4. Transfer staff from eliminated positions to other vacant positions, if the staff member possesses the necessary qualifications for the open position, and has satisfactory performance appraisals while in his or her eliminated position.

In identifying which staff members are to be laid off, the President may give due consideration to the following factors:

- Specialized training.
- Performance appraisals.
- Seniority.
- Supervisor and staff input.

In cases where the funding level of a program or position is reduced, NHSC may eliminate positions, or reduce or change the responsibilities of affected positions, in order to facilitate the continuation of the program in a reorganized format. In such cases,

1. NHSC will attempt to retain direct services which are required for accreditation and other legal requirements of the College.
2. Staff members currently assigned to such program(s) may be subject to lay-off or employment termination; part-time employees shall be laid off or terminated before full-time employees.
3. Any affected Faculty Appointment Contract, or other employment agreement, may be terminated or amended pursuant to legal requirements, reduced funding levels, and established school policies.

The President will provide notice to affected staff as soon as practicable, and

designate the beginning date of any layoffs. Within 30 days after the layoff date, affected staff members will be paid for unused, accrued vacation.

3.17 GRIEVANCE PROCEDURE

NHSC strives to resolve employment issues informally through conciliation and consensus. As a result, any staff member who has a complaint concerning his or her employment, including disciplinary action, demotion, denial of promotion, layoff, employment termination, or discrimination should initially bring the complaint to the attention of his or her supervisor and/or the Human Resources Director as soon as possible. [While complaints not enumerated above, such as issues relating to benefits, performance appraisals, wage or salary amounts, merit increases, denial of leave or vacation, and other matters within the administrative discretion of NHSC may be discussed pursuant to the Open Door Policy (see Section 1.6), such complaints are not subject to this formal Grievance Procedure.]

If a resolution of those issues subject to this grievance procedure cannot be reached informally, the staff member may present a Grievance Form to the Human Resources Director, clearly stating the nature of the complaint, any policy that may be violated and/or relevant, the date of the occurrence, witnesses and documents involved, and the requested remedy. [Grievance Forms are available in electronic format from the Human Resources Department.] The staff member should submit any documentary evidence in support of the grievance at the time of filing, and any grievance challenging an issue that arose more than fifteen (15) working days prior to filing will be considered stale and time-barred.

Once a formal written grievance has been filed with the Human Resources Director, the Grievance Procedure will proceed as follows:

1. The Human Resources Director will provide a written response to the grievance within ten (10) working days.
2. If the grievance is not resolved to the satisfaction of the staff member, he or she may submit a written appeal to the President, who will appoint a grievance committee within five (5) working days of receipt of the appeal. The Grievance Committee shall consist of one (1) a staff member, one (1) Faculty member and one (1) administrator, typically the Human Resources Director.
3. The Grievance Committee shall convene within two (2) working days of appointment, elect a chairperson, set a hearing date, and notify the staff member and any involved parties or witnesses of the date, time and place of the hearing.
4. The hearing shall allow for sworn testimony, submission of documentation, and written briefing by the staff member and any adverse party. Within fifteen (15) working days of the conclusion of the hearing, a written recommendation will be submitted to the President by a majority of the Grievance Committee. Legal or other representation of the parties is not permitted at the hearing, nor is any recording of the proceedings allowed, other than what might be used by the Grievance Committee in preparing their written recommendation.

5. Within five (5) working days of receipt of the written recommendation of the Grievance Committee, the President shall make the final decision on the grievance.
6. If the staff member deems the final decision unacceptable, he or she may appeal the decision to the Board. The Board shall review the grievance, submitted documentary evidence and the final decision of the President at their next regular/special meeting; but need not convene a hearing or hear oral evidence. The decision of the Board is final.

No staff member will be discriminated against, harassed, intimidated, or suffer any reprisal as a result of filing a grievance, or participating in the investigation of a grievance, or participating in the grievance hearing. If a staff member believes that he or she is being subjected to any of the above, that staff member should notify the Human Resources Director as soon as practicable.

3.18 PERSONNEL RECORDS

The following describes the NHSC record retention system as it relates to personnel information. Each individual personnel file is regarded as confidential, and is treated as such. Personnel files are maintained in the custody of the Human Resources Director, with payroll information also maintained by the Business Office. In accordance with legal requirements, access to personnel information is on a need-to-know basis, typically restricted to the staff member's immediate supervisor, department head and President insofar as access relates to their professional and/or administrative duties. Personnel files typically contain the following items:

- Application and resume.
- Offer letters and Faculty Appointment Contracts.
- Copies of transcripts, diplomas, certificates and licenses.
- Release-of-Information consent forms.
- Staff Performance Appraisals.
- Time and Effort forms, as applicable.
- Personnel Action Forms used to facilitate compensation, transfers, promotions, discipline and other personnel actions.
- Benefit Plan forms and documents.
- Discipline documentation, e.g., Corrective Action Forms, termination letters.
- Training records, including grades and notations of those who have completed or are presently taking in-house training programs.
- Leave information.
- Driver's license and vehicle information under Section 3.22, NHSC Vehicles.
- Documentation required by Federal, State or Accrediting Organizations.

In addition, any medical information provided in support of Family and Medical Leave, disability accommodation, or other medical information submitted by the staff member or medical provider is segregated from other personnel information, in a

separate staff member file, pursuant to HIPAA, and other legal requirements, and access to this information is restricted on a specific need-to-know basis.

3.19 RISK MANAGEMENT, SAFETY STANDARDS & EMERGENCY POLICIES/ PROCEDURES

NHSC strives to ensure a safe workplace. Policies and procedures for risk management and emergency operating procedures are addressed in the CERT Manual in the offices of the Facilities Manager and the Human Resources Director, and include the following:

1. Fire Prevention and emergency procedures.
2. Power Failures.
3. First Aid and medical assistance.
4. Serious or fatal accidents.
5. Potential exposure to blood borne pathogens.

3.20 NUETA HIDATSA SAHNISH COLLEGE VEHICLES

Prior to driving an NHSC vehicle, a staff member vehicle should complete a NHSC Driver Registration Form [available from Property and Procurement office], containing the following information, to be kept in the staff member's personnel file:

- Copy of a current driver's license.
- A record check with the Bureau of Motor Vehicles. An employee may not have more than two moving violations for a three (3) year period, and no DUI or license suspensions for a five (5) year period.
- Proof of insurance, if a personal vehicle will be used for NHSC business.

It is the staff member's responsibility to keep this information current, including reporting to the Human Resources Director and their immediate supervisor any moving violations or changes in driving status within five (5) days of the violation or change. Failure to report this information may result in disciplinary action. For those job classifications where the staff member is required to drive, discipline or employment termination may occur if a staff member receives a moving violation in any vehicle.

Staff members authorized to do business for the College and/or attend meetings in other places are expected to use NHSC vehicles. A Vehicle Request Form, which requires approval of the immediate supervisor and is available from the Business Office, should be completed well in advance of travel. If there is no vehicle available, and the staff member has prior approval from the appropriate supervisor, personal vehicles may be used for NHSC business. Under these circumstances, mileage for use of a personal vehicle will be reimbursed at the current federal allowable mileage rate; but NHSC will not be liable for any damage to the staff member's personal vehicle, including any damage caused by an accident or wear and tear.

Safe driving practices, speed limits and other driving laws must be observed at all times. NHSC is not responsible for fines incurred by a staff member while driving

an NHSC vehicle, or a personal vehicle while on NHSC business.

A staff member is responsible for reporting any accidents, no matter how minor, to the police before leaving the scene of the accident, and as soon as possible to the Human Resources Director.

3.21 VEHICLE ACCIDENTS

In the event of an accident with a NHSC vehicle, the driver will be held responsible for the first \$500.00 of repairs if the accident results from the driver's negligence or error. The driver will not be held responsible for paying any of the repair costs if the accident was caused by another vehicle/driver or if the driver could not have reasonably avoided the accident.

If the accident is the result of a staff member's negligence or error and results in repairs exceeding \$500.00, or is a second occurrence for a particular staff member, NHSC may impose discipline, up to and including employment termination.

3.22 TRAVEL

NHSC staff members will occasionally be required to travel on official College business. In order to contain the cost of travel and lodging, all staff members must meet the following requirements:

1. Obtain prior approval from his or her immediate supervisor for overnight out-of-town travel plans; Overnight stay is not normally approved if travel is within a three hours of your home.
2. Once approved, submit documentation to the Business Office. The Business Office will purchase tickets through a travel agency
3. In the case of vehicle travel, purchase only the type of gasoline recommended by the car manufacturer's specifications.
4. Stay in moderately priced lodging; staff members may stay at the lodging where a meeting or conference is held, even though a lower cost alternative is available.
5. With the exception of emergency travel, report all allowable expenses, such as meals, lodging, tips, travel to and from the destination, and car rentals on a Pre-Travel Request and Report Form, available from the Business Office. Mileage will be reimbursed at the approved federal rates.
6. Exempt employees traveling during the weekend or outside of regular working hours do not receive additional compensation. Non-exempt employees are subject to FLSA over-time rules, but supervisors may want to adjust schedules to avoid unnecessary overtime. Employees are allowed a maximum of 1 outgoing travel day and 1 incoming travel day. All travel schedules are subject to supervisor approval.

3.23 TRAVEL ADVANCES

In anticipation of travel expenses, meeting registration and lodging, advance reimbursement to a staff member may be authorized. Such advance funds will be provided ONLY for travel, meeting registration and lodging.

Request for a travel advance must be approved by the immediate supervisor at least seven (7) days prior to the expected date of departure. Within fourteen (14) days of returning from travel, the staff member should submit to the Supervisor a Trip Report receipts of expenses to the Business Office, and return any excess funds advanced. Travel must be closed out before any further travel advances will be approved. A failure to return any excess travel advance within sixty (60) days after travel will result in reporting it as taxable income under IRS regulations.

3.24 Chain of Command

To assure orderly operations and provide the best possible work environment, employees follow the internal chain-of-command:

Employee > Supervisor > Vice President > President

Failure to adhere to the chain of command could lead to disciplinary action. Any employee, other than the President, wanting to approach the Board of Directors with official College business, must submit the request in writing to the President to be put on the Board agenda. Employees may be invited by the Board to attend or present information and they will be notified by the President, Human Resources Director, or a Vice President dependent on circumstances. Failure of the employee to comply with the written permission requirement could result in the termination of the employee.

3.25 Children in the Workplace

NHSC is sensitive to the needs of working parents and is committed to reasonably accommodate working parents. It is the employee's responsibility to make arrangements for childcare during the workday, however we recognize that there may be unexpected events that disrupt the normal routine.

With the approval of the immediate supervisor, children may be brought to the workplace by parent employees/guardians for brief visits, in the event of an emergency, or other times when there are no other alternatives (e.g., unplanned early dismissal from school, or child care provider suddenly unavailable).

Such arrangements are only temporary and may be granted only under the following:

- The parent/guardian employee must supervise the child (ren) at all times.
- The child (ren) should never be left unattended or with other employees.
- Under no circumstances should a child with an illness that prevents him/her from being accepted by a regular child care provider or from attending school be brought into the workplace.

Although the college strives to be a family-friendly environment, it must be recognized that it is not appropriate to bring children to work for the following reasons:

Safety is the primary concern when considering the presence of children on campus. Children in the workplace create a potential liability for the department and the College. NHSC accepts no liability in the event there are children in the workplace.

Children in the workplace can disrupt the environment for the employee, co-workers, and others in the area. It creates an atmosphere that is not conducive to work performance and fulfillment of job expectations.

3.26 Access to Personnel Files

Personnel files are the property of NHSC and access to the file or information contained in the file is restricted. With reasonable advance notice, an employee may review material in his/her file but only in the Human Resource Office in the presence of the HR Director. No documents may be removed from the personnel file. Any release of information from the personnel file must first have the written permission from the employee.

SECTION 4: COMPENSATION & BENEFITS

4.1 SALARY ADMINISTRATION AND RANGES

A salary range will be established for each position, including temporary and part-time positions. Changes to existing salary ranges, or creation of salary ranges for new positions are the responsibility of the Human Resources Director, subject to review and approval by the President, the Administrative Committee and the Board. All salary ranges are stated in gross compensation, and are subject to mandatory and voluntary deductions.

Salary ranges for each position are established based on the following criteria:

- Nature and complexity of job duties.
- Degree of responsibility and judgment exercised.
- Level of position within the organizational chart.
- Qualifications required.
- Prevailing rates for similar positions in other nonprofit and commercial organizations.
- National and local salary patterns.

A staff member's salary is reviewed annually, in conjunction with the performance appraisal process. Salaries and salary ranges may be de-created in time of financial difficulty by the President, with approval of the Board; and salary increases depend on NHSC's ability to meet its operating budget, recognizing that the sources of income include government funds and interest earned from endowments, which are subject to fluctuation.

4.2 PAYROLL DEDUCTIONS

Deductions from a staff member's paycheck include mandatory and voluntary deductions, as described below:

- Mandatory deductions include federal income taxes, Social Security, Medicare, and state income taxes. In addition, legally authorized mandatory deductions include garnishments for alimony, child support, delinquent loans, or by Tribal court order. Mandatory deductions are made without written authorization of the staff member.
- Voluntary deductions include amounts designated for the Tribal loan program, NHSC 401(k) retirement plan, charitable contributions, and health, dental and/or vision insurance. Voluntary deductions are made only with the written authorization of the staff member.

An itemized statement of all deductions from the staff member's wages accompanies each paycheck.

4.3 HOLIDAYS AND HOLIDAY PAY

The following holidays are designated official holidays for NHSC staff members:

- New Year's Day.
- Martin Luther King Day.
- All Chiefs Day (President's Day).
- Easter Holiday (Good Friday and Easter Monday).
- Memorial Day.
- Independence Day.
- Labor Day.
- Veterans Day.
- Thanksgiving Day, and the day after.
- Christmas Day, and the day after.

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

All full-time staff members will be paid holiday pay for each declared holiday at their individual regular rate. Should it be necessary for an employee to work on a declared holiday, the staff member will receive another compensatory day, with pay, within 30 days of the declared holiday which was worked. The compensatory day will be chosen by the staff member, subject to approval of his or her supervisor. If the staff member does not select a compensatory day within the 30 day period, the compensatory time and pay is forfeited.

Any part-time staff member who works on a declared holiday will receive additional compensation at a rate equal to his or her regular rate for the hours worked.

If a staff member is absent either the day before or the day after a designated holiday, without the prior approval of his or her supervisor, the staff member will not be paid for the designated holiday, subject to the specific requirements of the Family and Medical Leave Act (see Section 4.8).

4.4 UNPAID RELIGIOUS HOLIDAYS

NHSC respects the right of each staff member to worship as his or her faith dictates, and it acknowledges that there may be religious holidays where the tenets of a particular religion dictate that no work is to be performed, but which fall on a scheduled workday. If a staff member desires time off to observe a religious holiday, he or she should discuss the matter with his or her supervisor and the Human Resources Director as far in advance as possible to determine whether leave can be granted without undue hardship to the College. If granted, such leave will be without pay, unless the staff member chooses to take vacation leave. Sick leave is not available for this purpose. This policy also applies to a staff member participating in Sundance.

4.5 ADVANCE PAY

Pay advances are not available.

4.6 ANNUAL/VACATION LEAVE

A. Accrual of Annual/Vacation Leave.

Regular, full-time staff members, including full-time Faculty, accrue annual/vacation leave according to the following schedule:

<u>Years of Service</u>	<u>Annual Paid Vacation Accrued</u>		
	Hours per Pay Period	Maximum Carry Over	Maximum Accrual Intra-year
0-3 Years	4 Hours	80 Hours	184
After 3 Years	5 Hours	120 Hours	250
After 5 years	6 Hours	160 Hours	316

Annual leave is accrued from July 1 to June 30. At the end of the fiscal year, balances are not reset. However, staff or faculty may not carry over more than the maximum listed in the above table, the maximum figures represent a maximum carryover amount. For example, if an employee with less than 3 years of service has 88 hours of accrued leave on June 30, the balance will be 80 hours on July 1. When calculating final pay, an employee cannot be paid more than 80/120/160 hours of unused leave, depending on time of service.

[In the case of Faculty, this vacation policy is in lieu of Personal Leave, Emergency Leave, Leave Without Pay, and other paid and unpaid leave provisions within the former Faculty Handbook, to the extent that the Faculty Handbook provisions are inconsistent with the provisions in this Manual.]

B. Annual/Vacation Leave Request Procedure.

A staff member requesting annual/vacation leave must follow the following procedure:

1. As soon as possible, the staff member should submit a written leave request to his or her immediate supervisor.
2. The supervisor will consult with the Business Office to verify that the time requested has been accrued.
3. If leave is available, and departmental needs are not compromised, the supervisor will approve the time-off and notify the staff member.

Annual/vacation leave may be taken in daily (8 Hour) or half-day (4 Hour) increments, up to two (2) consecutive weeks (10 consecutive work days). With the exception of designated intermittent leave under the Family and Medical Leave Act (Section 4.8), annual/vacation leave may not be taken in less than 4 hour increments. Annual/vacation leave in excess of 10 consecutive work days may not be taken without approval from the supervisor and the Human Resources Director. Staff members may

not take vacation time until after the first 90 days of employment.

Annual/vacation leave is subject to departmental or administrative needs. If more than one staff member is requesting leave for the same period, and their requests cannot be accommodated, leave will be granted to the staff member with the most seniority. In some departments or for administrative needs, it may be necessary to schedule annual/vacation leave during certain weeks of the year, or to designate other weeks as no leave periods. Departments/Administration will designate scheduled annual/vacation blocks and no annual/vacation periods as soon as possible, usually at the beginning of the academic year and/or the new year.

Accrued, unused annual/vacation leave (up to the maximum carry over) is payable in a lump-sum upon employment termination. Any outstanding debt(s) to the College will be deducted from the lump sum payment amount or the staff member's final paycheck. Staff members assigned to some special projects funded under certain grants may not be eligible to receive lump sum payments, unless provision is made in the grant for such lump-sum payment. Staff members assigned to such grants will be paid unused, accrued leave as salary continuation.

4.7 SICK LEAVE

NHSC maintains a paid sick leave policy to provide continuing compensation to an eligible staff member who cannot work due to illness or medical condition (including medical and dental appointments), or in limited circumstances, to care for an immediate relative with a serious health condition. Sick leave is not available for any other purpose, such as paid time-off for vacation, funerals, school or social events, or business or personal non-medical appointments. Accordingly, requests for paid sick leave will be reviewed and verified, and any fraudulent use will be grounds for disciplinary action.

A. Accrual of Paid Sick Leave.

Regular, full-time and part-time staff members, including Faculty, accrue sick leave according to the following schedule:

<u>Status</u>	<u>Accrued Sick Leave</u>	
	Hours per Pay Period	Maximum
Regular, Full-Time	4 Hours	200 Hours
Regular, Part-Time	2 Hours	100 Hours

NHSC staff members are eligible to request sick leave following completion of their probationary period. Accrued, unused sick leave is forfeited upon employment termination, including retirement, and is not paid in a lump-sum or in any other manner [as opposed to accrued, unused annual/vacation leave (Section 4.5)].

B. Sick Leave Request Procedure

An eligible staff member requesting paid sick leave must follow the following procedure:

1. As soon as possible, and in normal cases no later than 30 minutes prior to the start of the work day, a staff member should contact his or her immediate supervisor to request sick leave, state the duration of the leave requested, and specifically state the reason for the request. If the supervisor is not available, the staff member should contact the Human Resources Director, or the President's Office, in that order. [In verifiable emergency situations, the 30 minute requirement may be waived.]
2. The supervisor will consult with the Business Office to verify that the paid sick leave has been accrued.
3. If sick leave is available and all conditions are met, the supervisor will approve the paid time-off, notify the staff member, and again verify the duration of the sick leave.

Regardless of whether sick leave is available, a doctor's statement may be required for an absence of more than three (3) consecutive days due to illness or, at the discretion of the supervisor and/or the Human Resources Director, when an accumulation of scattered absences due to illness establishes a pattern.

It is the responsibility of the staff member to advise the supervisor [or Human Resources Director, where the supervisor is unavailable] if the absence is expected to continue for a period longer than originally anticipated and to provide appropriate medical certification. NHSC specifically reserves the right to request and obtain verification of the circumstances surrounding any use of sick leave, and a staff member's refusal to sign any required Release-of-Information Consent form will constitute insubordination, and subject the staff member to disciplinary action.

In cases where the staff member requests sick leave to care for a relative with a serious health condition, the staff member should follow the same procedure. Under this policy, a "serious health condition" is defined as a condition requiring hospitalization, emergency room care, or continuing treatment by a health care provider (including doctor and dental appointments); a "relative" is defined as a current spouse, child [naturally born or adopted], or parent. "Serious health condition" and "continuing treatment by a health care provider" does not include child care issues; leave under those circumstances should be requested under the annual/vacation leave provisions (Section 4.5).

A staff member who exhausts sick leave due to an extended medical emergency, may be loaned sick leave, in blocks of 8 hours, from other staff members, with the understanding that any loaned leave must be transferred back to its original loaner upon accrual. At no time may any staff member loan sick leave to another staff member if his or her accrued sick leave falls below 40 hours. Any request for a loan of sick leave must be submitted to the Human Resources Director within three (3) days of the leave period, and must be signed by both staff members. Approval of a loan of sick leave is at the sole discretion of the President. Sick leave may not be donated by a staff member who is paid under a grant. Upon ending employment, an employee may not donate the balance of his or her sick leave to another employee.

4.8 FAMILY & MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (“FMLA”) provides unpaid leave to eligible staff members, including eligible professional Faculty, for up to 12 weeks annually for the birth or adoption of a child, or due to a serious medical condition suffered by the staff member, a spouse, child or parent. FMLA leave is coordinated with NHSC Sick Leave (Section 4.9) in order to provide paid leave for all or a portion of the 12 week FMLA period. Where the NHSC sick leave policy does not provide paid leave for the entire 12 weeks, the remainder will be unpaid leave under the FMLA. In no case will NHSC Sick Leave extend FMLA leave beyond the 12 week period. [Staff members who have accrued NHSC Sick Leave may still elect to use NHSC Sick Leave beyond 12 weeks, but their FMLA leave for the year will have been exhausted].

Eligibility for FMLA leave requires:

1. At least one (1) year of service with NHSC; and
2. At least 1,250 hours worked during the preceding 12 month period.

In accordance with the terms of the FMLA, NHSC also reserves the right to:

1. Require a staff member to substitute sick leave and/or vacation under its policies for FMLA leave.
2. Require the staff member to provide certification of a serious health condition.
3. Require the staff member to provide adequate notice of leave.

Questions regarding anticipated FMLA leave should be raised with the Human Resources Director as soon as possible in order to avoid any misunderstandings or complications.

4.9 BEREAVEMENT LEAVE

Paid bereavement leave of one (1) to five (5) days may be granted to a regular, full-time staff member due to the death of an immediate family member. A grant of leave, and its duration, shall be at the sole discretion of the President, and subject to considerations such as the need for out-of-town travel and the staff member’s responsibility for funeral arrangements. Under this policy, the term “immediate family member” means: current spouse, child, step-child, parent, step-parent, sibling or step-sibling.

Paid bereavement leave of up to two (2) days may be granted to a regular, full-time staff member due to the death of an in-law, grandparent, aunt or uncle, at the sole discretion of the President.

Unpaid leave of up to five (5) days may be granted to a regular, full-time staff member due to the death of a significant other, close personal friend or relative not named above, at the sole discretion of the President.

4.10 MILITARY LEAVE

A staff member who is a member of the National Guard or Reserves will be granted unpaid leave to participate in field training and other required exercises as required by law. Paid vacation time may be requested by the staff member for time-off due to military training and exercises, but it is not required.

If a staff member who is a member of the National Guard or Reserves becomes deployed in active service, he or she is eligible for military leave according to law. Military leave is a leave of absence without pay, and terminated either 90 days after the staff member's discharge from the service, or one year after the staff is released from hospitalization continuing after discharge. The staff member may be reinstated to his or her former position or to a position of similar seniority, status and pay if NHSC is informed of discharge no fewer than 60 days prior to the staff member's planned return.

4.11 JURY DUTY & SUBPOENAED LEAVE

A staff member who is called to serve on jury duty should notify his or her supervisor and the Human Resources Director immediately. While on jury duty, regular full-time staff members, including Faculty, will be paid their regular salary for up to two (2) weeks. A copy of the jury summons, and acknowledgement of selection, if applicable, must be provided to the Human Resources Director in order to receive jury duty pay.

If a staff member is served with a subpoena requiring him or her to serve as a witness, either at trial, administrative hearing or deposition, the staff member will be afforded time-off to attend such proceedings. Regular full-time staff members who are subpoenaed will be paid their regular salary for up to one (1) week. Documentation of witness times and fees must be submitted to the Human Resources Director in order to receive pay.

4.12 VOTING LEAVE

Staff members are encouraged to fulfill their civic responsibilities by participating in elections, and should be able to find time to vote either before or after their regular work schedule, during lunch break, or by absentee ballot. However, if a staff member is unable to vote during non-working hours due to unforeseen circumstances, the staff member may be afforded up to two (2) hours unpaid time-off in order to vote, at the discretion of the President.

4.13 PROFESSIONAL DEVELOPMENT

Professional Development and in-service training is designed to provide staff members, including Faculty, with the skills, training and experience necessary for continued development, enhancement of their careers, and improved service to the Mandan, Hidatsa and Arikara Nation. Training will be subject to these conditions:

1. Attendance at seminars, conferences, educational meetings, workshops, institutes and other training opportunities must have the approval of the immediate supervisor and President, who have sole discretion to approve attendance.

2. All regular, full-time professional staff, including full-time Faculty, may attend conferences as funds permit, including reimbursement for registration and course materials, lodging, meals and travel. A request to attend an eligible conference must be submitted by the staff member, along with the estimated total cost, well in advance of registration.

Any staff member who attends a conference, seminar, workshop, in-service or other training program is expected to submit a written report to his or her supervisor summarizing topics and materials covered, dates attended and a list of whom attended, if available.

Except in cases where NHSC requires attendance/participation, Faculty who attend seminars, conferences, educational meetings, workshops, institutes and other training opportunities, where all or part of the cost of attendance was paid by NHSC, are expected to teach one semester beyond the end of the Academic Year in which the training took place for each training program paid, up to a maximum of one year. If the Faculty member does not fulfill this obligation, the amount paid for each training program must be reimbursed to NHSC.

4.14 PROFESSIONAL MEMBERSHIPS

NHSC may pay the annual cost of one (1) membership to one professional organization for each staff member, including Faculty. The amount of each membership should not normally exceed \$50, and the President must approve the membership in order to receive payment. Staff members, in turn, are expected to participate in organization activities, and share information/literature with fellow staff members.

4.15 TUITION ASSISTANCE

To further develop staff skills, NHSC encourages staff members, including Faculty, to continue their education by enrolling in college courses. NHSC Departments may provide tuition assistance [but not for fees or books], if Department funds are available, under the following conditions:

1. The staff member has completed a FAFSA application and is not eligible for a scholarship and/or Pell Grant (Bachelor's Degree or higher); or if eligible for a Pell Grant, the assistance is limited to the portion of tuition not covered by the Pell Grant.
2. The staff member has been a regular, full-time employee for at least nine (9) months.
3. In the opinion of Department Administrator, the courses selected are directly related to the staff member's job duties and responsibilities, and/or the Mission of NHSC, or are intended to help the staff member obtain his or her degree.
4. The staff member has obtained prior approval from his or her supervisor and the President, who retain sole discretion to approve the enrollment.
5. The staff member completes an undergraduate-level course with a final grade of "C" or better. A final grade of "B" or better is

- required for a graduate-level course.
6. The staff member remains employed at NHSC for a full year after completion of the course. If the staff member voluntarily resigns, or his or her employment is terminated for poor job performance or misconduct during the 12 month period, he or she may be required to repay 100% of the tuition assistance, or a pro-rated share. That sum may be deducted from the staff member's final paycheck.

A staff member may attend classes during the workday with written approval of his or her supervisor and the President (see Section 4.16, Educational Leave). However, the staff member should use his or her best efforts to schedule classes that do not conflict with the work schedule.

4.16 STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM

As an additional benefit for staff, NHSC offers a Student Loan Repayment Assistance Program.

Date of Board Approval: October 12, 2016, retroactive to August 1, 2015

Purpose: Recruitment and retention of employees with higher education degrees to build the long-term talent base of the College.

The program matches payments made to qualified lenders in a calendar year, up to the maximum annual amounts. The maximum amounts are as follows:

Educational Level	Maximum amount
Phd	\$6,000
Master's Degree	\$4,000
Bachelor's Degree	\$2,000

In addition, the program is subject to the following rules:

- FT, Permanent employees are eligible.
- 1 year minimum service to be eligible for plan
- This is a matching program—an employee must document 1 calendar year of payments, then the college matches the sum of the annual payments up to the maximum annual amount. In most cases, this will greatly reduce the loan payback period (direct principal payment). It will also save the employee interest over the term.
- Tuition assistance is taxable income
- August is loan payment processing month (similar to Health insurance open enrollment). Employees must provide documentation of prior year loan payments by August 31 (example, employee must provide loan payment documentation from August 1, 2016 through July 31, 2017 to request reimbursement in August 2017).
- College will write a check payable to the student loan vendor. Employee may provide an address for direct remittance, or may request receipt of the check and forward it on their own.

- Employee must agree to at least 1 years of service from the date of most recent loan payment; if the employee leaves within this period, he or she must repay the most recent payment
- This program is dependent on the approval of annual budgets; program may be modified or canceled if budget funds are not available
- This program is designed to support employees who have completed degrees; support for employees who are currently in an approved educational program or wishing to pursue further education will be dependent on department funding and needs of the College, per the Personnel Policy

4.17 TUITION WAIVERS- FAMILY MEMBERS

Family members of full time staff and faculty, who have been employed at Nueta Hidatsa Sahnish College for at least nine (9) months are eligible for a full tuition waiver. Family members eligible for this benefit include spouses of legally existing marriages, same-gender domestic partners, unmarried children, step-children, and legal wards under the age of 23 if taking courses part-time or 26 if taking courses full-time. The family members will be responsible for fees and books and must complete the registration process.

4.18 EDUCATIONAL LEAVE

Subject to approval by the immediate supervisor and Human Resources Director, the following educational leave and benefits will be available to staff members, including Faculty:

A. Procedure: On Campus.

1. After the 90 day probationary period for new employees, a staff member may enroll in one (1) class of up to four-credit hours per semester, either during the regular work day or after hours. The class must be related to the staff member's job duties and responsibilities.
2. After two (2) years of service, a staff member may enroll in one (1) class of up to four-credit hours during the regular work day, and in one (1) class of up to four-credit hours after the regular work day, for a total of up to eight-credit hours per semester. The class need not be related to the staff member's job duties and responsibilities.
3. Classes in which the staff member enrolls must have at least five (5) tuition-bearing students enrolled by the last day to register.
4. All classes taken by staff members must have prior written approval by the immediate supervisor and Human Resources Director. The approvals must be submitted to the Business Office at least five (5) working days prior to registration.

Staff members on disciplinary probation or suspension are not eligible for educational leave.

5. This educational benefit applies to tuition and regular fees only; books and classroom fees are the responsibility of the staff member. Summer sessions are excluded from this educational benefit. Failure to satisfactorily complete any class may require the staff member to reimburse NHSC for any tuition and/or fees advanced, as set forth in Section 4.15, Tuition Assistance.

B. Procedure: Off-campus.

A staff member seeking educational leave, tuition reimbursement and/or fees relating to an educational program or class not at or affiliated with NHSC must submit a written request to the Human Resources Director stating:

1. The nature of the class and/or program and how it is related to the staff member's job duties and responsibilities.
2. The duration and schedule of the class and/or program.
3. The costs associated with the class and/or program, and the staff member's plan for payment.

Approval for off-campus unpaid educational leave, tuition and/or fee benefits is at the sole discretion of the President. If approved, the failure to satisfactorily complete any class or program may require the staff member to reimburse NHSC for any tuition and/or fees advanced, as set forth in Section 4.15, Tuition Assistance.

4.19 ADMINISTRATIVE LEAVE

Paid administrative leave is available to regular full-time and part-time staff members, including Faculty, if the staff member is scheduled or working [i.e., not on leave], for the reasons that follow. Such leave is at the sole discretion of the President; it is paid at the regular rate for all or part of the duration of leave; it does not accrue; and it is not cumulative.

A. Inclement Weather & Emergency Closings.

The President, or his or her designee, may close NHSC due to severe weather conditions and other extenuating circumstances. Extenuating circumstances include the death of a fellow worker or a student, conditions that seriously affect the work place, i.e. electrical or water failures, or problems hazardous or dangerous to staff or students.

In the event that the College is closed, the President's Office will inform staff members by memoranda or by telephone if time permits. In cases of inclement weather, emergency, or unforeseen circumstance, staff members should tune to KMHA or KCJB or KXMC or KFYZ radio or television stations, for information on College closures. Information will be relayed to the media by 6:30 am, in the event of cancellations or closures. NHSC will place an automated message on the College general phone line for those staff members calling-in. NHSC will also post the information on Facebook and

mynhsc.edu.

B. Local Community Celebrations (Pow-Wow Leave).

Regular, full-time and part-time staff members may request eight (8) hours administrative leave annually for attendance at the following local pow-wows, subject to approval of his or her immediate supervisor and the President: Twin Buttes, Mandaree, White Shield, Little Shell, Nuxbaga or Parshall, Four Bears and the Mid-Winter pow-wow.

4.20 NO UNPAID LEAVE

Except as set forth in the prior leave provisions [e.g., FMLA (Section 4.8), Bereavement (Section 4.9), Military (Section 4.10)], NHSC does not grant unpaid leave, unpaid leaves of absence, or any other form of excused time-off without pay. Absences under these circumstances will be considered under the Excessive Absenteeism Policy (Section 5.13).

4.21 MOVING EXPENSES

At the sole discretion of the President, regular full-time staff members, including full-time Faculty, may be reimbursed the reasonable cost of packing and moving household goods and personal effects and travel to the New Town, North Dakota area. Reimbursement is provided only for expenses that meet the IRS definitions for deductible moving expenses.

The maximum total amount of reimbursement is limited to five percent (5%) of annual salary, unless the President authorizes an exception. The request for moving expenses must be submitted in writing within the first month of employment.

4.22 INSURANCE

A. Health Care, Dental and Vision Plan.

A health care, dental and vision plan is available for regular full-time staff members, including full-time Faculty, and their eligible dependents. New regular, full-time staff members who wish to enroll in the health, dental and/or vision plans should apply within the first two (2) weeks of employment. For health insurance through Blue Cross Blue Shield, coverage begins on the first half-month cycle after 30 days of employment. For example, an employee who begins on June 11 will have coverage beginning July 16. For Life, Dental, and Vision, coverage begins 30 days from start of employment. Eligible staff members who do not enroll during first two (2) weeks of employment must wait until the annual open enrollment period, usually in January.

Eligible dependents of regular, full-time staff members include a lawful spouse, and children [naturally born or adopted] and stepchildren younger than 19 who are not full time - students, or children and stepchildren younger than 26 who are full - time students.

Regular, part-time staff members, including part-time Faculty, and their eligible

dependents, are also eligible to enroll in the health care, dental and vision plan after completing 12 months of continuous service in which the regular, part-time staff member has worked 1,000 hours or more.

If an eligible staff member does not have an eligible dependent at the time of enrollment in the plan, but later acquires an eligible dependent, the dependent becomes eligible to participate in the plan on the date that he or she becomes the staff member's eligible dependent.

The cost of single coverage in the plan is paid by NHSC. If dependent or family coverage is desired, the staff member is responsible for all premium costs above the single premium rate, including any retroactive premiums. The staff member must authorize payroll deductions for such coverage by completing the necessary forms available from the Human Resources Director, or the Business Office. Premium deductions begin at the time of enrollment, not coverage. Any excess premium paid will be reimbursed at employment termination or withdrawal from plan participation.

Upon termination of employment, coverage will end at the end of the month of termination. The employee then has the option of enrolling in COBRA on the 1st of the month following termination.

B. Life Insurance & Accidental Death and Dismemberment.

Regular, full-time and part-time staff members, including Faculty, are eligible for \$35,000 in basic life insurance coverage and \$35,000 in basic accidental death and dismemberment ("AD&D") coverage, the cost of which is paid by NHSC. This insurance becomes effective after 30 days of employment.

An eligible staff member also has the option to purchase additional life insurance and AD&D coverage at his or her cost. Information on additional coverage, cost and payroll deduction forms are available from the Human Resources Director, or the Business Office.

C. Disability & Supplemental Insurance.

Regular, full-time and part-time staff members are eligible for disability and other supplemental insurance through AFLAC. Disability and other supplemental insurance coverages are elective, and all premiums are paid by the staff member. Information regarding disability and supplemental insurance coverage, cost and payroll deduction forms are available from the Human Resources Director, or the Business Office.

4.23 CONTRIBUTORY RETIREMENT PLAN [401(k)]

NHSC sponsors a defined contribution retirement plan (401(k)) which provides regular full-time and part-time staff members, including Faculty, the opportunity to contribute a portion of their pay to a personal retirement plan, with NHSC matching any amounts up to five percent (5%) of a staff members contributions. NHSC only matches the employee deduction. For example, if an employee deducts 1%, NHSC will provide a 1% contribution. Please see the Summary Plan Description for more details.

This Plan is administered by a third-party, and the staff member is responsible for selecting his or her own investment options. Information on the Retirement Plan, investment options, limitations and payroll deduction forms are available from the Human Resources Director, or the Business Office.

4.24 HEALTH CARE BENEFIT CONTINUATION(COBRA)

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”), NHSC provides each eligible staff member, including Faculty, and/or their dependents with health care, dental and/or vision benefit continuation at previously elected levels in the event of employment termination, divorce, or death of the staff member.

Terminated employees have up to 60 days from final employment date to decide whether to elect COBRA, but the former employee is responsible for any back premium past the end of employer-sponsored coverage.

Under COBRA, the staff member or dependent pays the full cost of coverage under the NHSC plan at the College’s group rate, plus an administration fee not to exceed \$3/month.

4.25 WORKERS’ COMPENSATION

All staff members, regular, temporary and volunteer, including Faculty, are protected under North Dakota workers compensation law which provides income benefits due to work-related injuries or death. NHSC pays the entire cost of the Workers Compensation insurance premium; but the workers compensation insurance carrier will determine what benefits, if any, the staff member may receive.

A. Reporting.

It is imperative that any staff member injured on the job report the injury immediately to his or her supervisor, regardless of whether the injury appears minor or of no apparent significance. Reporting work-related injuries protects both NHSC and all staff members.

B. Worker Injury Report & Claim Forms.

A Worker Injury Report (available from the Human Resources Department) must be completed promptly and given to the immediate supervisor and/or Human Resources Director to ensure that all documentation is properly completed in order to facilitate the benefit claim. In conjunction with the investigation of the work-related injury or death, separate benefit claim forms must also be completed and forwarded to the State.

4.26 SEVERANCE PAY

Nueta Hidatsa Sahnish College will provide severance pay to eligible employees who provide a 2-week advance notice prior to their resignation, or job elimination and separate in good faith from the college employment. This policy applies to all

employees having completed minimum of one year of service.

A. Policy

The College may, at its sole discretion, provide compensation to an eligible employee who successfully completes their assignments and fulfills their 2-week notice.

B. Amount of benefits.

Benefit will be equal to the employee's pay rate at time of separation and in accordance to the following schedule based on approved hours of service:

<u>Months of Service</u>	<u>Weeks of Pay</u>
One year to 47 months	2
48 to 83 months	4
84 to 119 months	6
120+ months	8

Severance pay is in addition to any unused leave payout amount.

C. Eligibility

Regular full-time employees are eligible for approved severance pay, with the following exceptions:

1. Not fulfilling the two weeks prior to their resignation date.
2. Not completing clearing-out assignments as defined by immediate supervisor.

In the event, an employee is reinstated within 30 days; the severance pay will be reimbursed to the college.

D. Procedure

The employee will submit their 2-week resignation to the Human Resource (HR) Director.

1. The employee's supervisor will meet with the employee and outline specific assignments necessary for the employee's separation from the college and determine the date of separation.
2. Upon completion of all agreed upon assignments, the HR Director will authorize payment in accordance with this policy. Severance pay can be expected after 10 days from employee's date of separation.
3. Date of Separation. The College President reserve the right to accept employee's resignation immediately based on the reason for resignation and the sensitivity of the position held. The President also reserves the right to release an employee immediately upon resignation with applicable severance pay.
4. Rescinding of Resignation. The President will make the determination as to accepting employee's rescinding their resignation.

4.27 FINAL PAY

A staff member whose employment is terminated, for any reason, will receive all pay and benefits to which he or she may be eligible, subject to the following qualifications:

1. Regular staff members, full-time and part-time, including Faculty, will be paid for all accrued, unused vacation days. Any regular staff member, whether full-time or part-time, leaving before completing the probationary period is not eligible for any accrued vacation.
2. The employment termination date for all staff members is the last day of actual work or end of approved leave. Final pay or severance received by a staff member will not be construed to extend his or her employment beyond the employment termination date.
3. Final pay is condition upon return of all NHSC issued equipment, keys, uniforms, material, or other property. Failure to return these items will result in a delay of final payment until all NHSC property is returned. If these items are damaged or missing, their value may be deducted from the staff member's final check.
4. All outstanding debts will be deducted from the staff member's final paycheck.

4.28 EMPLOYMENT REFERENCES & EMPLOYEE INFORMATION DISCLOSURES

All requests for information about a current, retired or terminated staff member will be coordinated through the Human Resources Director, and will be limited to staff member's dates of employment, final title or position and job location. If the inquiring party is a financial institution which presents a written authorization from the staff member, employment and pay history may be provided.

If a staff member requests a reference letter from a supervisor, the request must be coordinated through the Human Resources Director.

4.29 WORKPLACE WELLNESS TIME (30 MINUTES)

Employees are authorized to exercise during the regular working day, provided that it does not interfere with regular duties. Exercise time is subject to supervisor approval.

SECTION 5: CONDUCT PROVISIONS

5.1 NO SMOKING

NHSC offers a smoke-free work environment. Smoking is not allowed inside any NHSC building, and smoking areas outside are designated as such. Smokers are asked

to smoke only in designated areas, and are responsible for keeping those areas clean and free of smoking debris.

5.2 DRESS CODE

As representatives of NHSC, all staff members are expected to exhibit a clean, professional and well-groomed appearance. Inappropriate dress or accessories, or poor personal hygiene which is offensive to others, will be addressed by the immediate supervisor and Human Resources Director. A staff member in violation of the dress code will be asked to go home and change, and the time required to do so is unpaid. NHSC will not be liable for damage or loss to clothing or accessories.

5.3 TELEPHONE CALLS

The use of NHSC telephones for personal long-distance calls is permitted with the approval of the immediate supervisor or Human Resources Director.

5.4 CONFIDENTIALITY

In the course of your employment you may come in contact with or have access to confidential information, such as personal identifying information or proprietary institutional information. Such information is strictly confidential and must not be used or divulged (directly or indirectly) by any employee, either during or after employment with NHSC. A breach of confidentiality is grounds for termination.

5.5 SOCIAL MEDIA POLICY

Guidelines for functioning in an electronic world are the same as the values, ethics and confidentiality policies employees are expected to live every day, whether you're on Facebook, talking with students or chatting with community members. Remember, your responsibility to NHSC doesn't end when you are off the clock. For that reason, this policy applies to both College sponsored social media and personal use as it relates to NHSC.

What You Should Do:

- **Disclose your Affiliation:** If you talk about work related matters that are within your area of job responsibility you must disclose your affiliation with NHSC.
- **State That It's YOUR Opinion:** Unless authorized to speak on behalf of NHSC, you must state that the views expressed are your own.
- **Protect Yourself:** Be careful about what personal information you share online.
- **Act responsibly and ethically:** When participating in online communities, do not misrepresent yourself. If you are not a vice president, don't say you are.

- **Honor Our Differences:** Live the values. NHSC will not tolerate discrimination (including age, sex, race, color, creed, religion, ethnicity, sexual orientation, gender identity, national origin, citizenship, disability, or marital status or any other legally recognized protected basis under federal, state, or local laws, regulations or ordinances).

What You Should Never Disclose:

- **The Numbers:** Non-public financial or operational information. This includes strategies, forecasts and most anything with a dollar-figure attached to it. If it's not already public information, it's not your job to make it so.

- **Student Information:** Never share personal information about our students. See the FERPA Guidelines.

- **Legal Information:** Anything to do with a legal issue or legal case.

- **Anything that belongs to someone else:** Let them post their own stuff; you stick to posting your own creations. This includes all logos or other images that belong to NHSC.

- **Confidential Information:** Do not publish, post, or release information that is considered confidential or top secret.

Basically, if you find yourself wondering if you can talk about something you learned at work -- don't. Follow NHSC's policies and live the company's values and philosophies. They're there for a reason.

Just in case you are forgetful or ignore the guidelines above, here's what could happen. You could:

- Lose your job. A breach of confidentiality may be grounds for employment termination.
- Get NHSC in legal trouble with students or funding sources.
- Cause NHSC to lose credibility with students.

5.6 PERSONAL PHOTOCOPYING

Staff members are not permitted to use NHSC photocopying equipment for personal use, unless authorized by their immediate supervisor.

5.7 COMPUTER USE

Computers should be used for work only, and not for personal use. Please

refer to Technology Handbook for more detailed information.

5.8 PERSONAL PROPERTY

Staff members bringing personal belongings onto NHSC property in order to decorate their workspaces and common areas, or to facilitate their work, must ensure that such items are prominently marked to prove ownership. NHSC is not responsible for loss or damage to staff members' personal property.

5.9 PERSONAL MAIL

Staff members may not use the College address or P.O. Box as their personal mailing address. All mail, including personal mail, delivered to NHSC will be opened and routed to the addressee. Personal mail should be delivered to an address other than the College.

For a first violation of this policy, staff members will be advised to change their address and will be warned that subsequent violations may lead to further disciplinary action.

5.10 PERSONAL VEHICLES

Personal vehicles left unattended in the NHSC parking lot for more than one week will be towed at the owner's expense.

5.11 BULLETIN BOARDS

The purpose of NHSC bulletin boards is to provide a permanent and official channel of communication to all staff members, students and visitors. Important information about NHSC will be displayed permanently on bulletin boards located at strategic points throughout the facilities. Information will be of the following four types:

1. Legally required posters and notices.
2. Safety rules and related information.
3. Memos and announcements including job postings.
4. NHSC-sponsored social and recreational events.

No private postings of any type will be allowed.

All staff members will be responsible for regularly checking and reading the bulletin boards and for following the rules, regulations, and instructions posted there.

Information to be posted on a bulletin board must be approved in advance by the administrators within each Division. Administrators within each Division will be responsible for maintaining the orderly appearance of the bulletin boards, posting new information, and removing dated material.

5.12 RECYCLING

NHSC supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. This includes a commitment to the purchase, use and disposal of products and materials in a manner that best uses natural resources and minimizes negative effects on the environment. NHSC also actively encourages recycling and, when possible, eliminating the use of disposable products and source reduction such as:

- two-sided photocopying.
- computerized business forms.
- minimal packaging.
- reusing paper clips, folders, binders and packaging materials.
- turning off lights and computers when not in use

Maintenance personnel will collect all recycled materials in a timely manner each week.

5.13 USE OF NHSC PROPERTY

Staff members will not directly or indirectly use, or allow the use, of property, equipment or supplies belonging to NHSC, or located on College property, for any purpose other than official business, except where prior written permission is obtained from the President. Furthermore, no staff member shall willfully alter, mutilate, abuse or waste any property, equipment or supplies belonging to NHSC, or located on NHSC property.

If, in the course of normal business use, a staff member observes that any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair, he or she should notify his or her immediate supervisor and/or Facilities Manager in writing as soon as possible. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to staff, students or visitors. (See NHSC Property Use Form attached in Appendix).

5.14 OFFICE SPACE

NHSC acknowledges that it is our mission to provide quality cultural, academic and vocational education and services to the Mandan, Hidatsa and Arikara Nation. Therefore, it is the policy of the NHSC to allow office space to those entities whose primary purpose is to provide direct services to students and whose programs assist the College in meeting its Mission. The request for office space from eligible outside entities must be in writing and must be approved by the Administration Committee.

5.15 EXCESSIVE ABSENTEEISM

NHSC expects every staff member to report promptly to work each regularly scheduled workday, unless the staff member is unable to report because of personal or family illness or injury, is absent with prior supervisory approval, or is on an

approved leave of absence. Staff members who miss too much work without approval or excuse will be disciplined.

NHSC expects all supervisors to monitor the attendance of their staff, and to initiate discipline when absenteeism becomes excessive. In conjunction with the Human Resources Director, the President may request that a supervisor submit a monthly absence report to help monitor staff attendance.

5.16 SUPPLEMENTAL & OUTSIDE WORK

“Supplemental Work” is defined as work for NHSC which is beyond the staff member’s primary scope of duties, and is supervised by someone other than the staff member’s normal supervisor. Supplemental work is permitted so long as it does not interfere with the staff member’s primary duties, and the staff member has obtained the prior written approval of his or her normal immediate supervisor.

“Outside Work” is defined as all gainful employment other than the performance of NHSC duties, including, self-employment, working for another employer, the management or operation of a private business for profit, including personally owned businesses, partnerships, corporations and other business entities. Outside work is permitted to the extent that it does not interfere with a staff member’s primary duties at the NHSC, and does not create a conflict of interest or discredit the College.

A staff member is required to report in writing any outside work to his or her immediate supervisor and the Human Resources Director. The report must describe the type of work, an estimate of the number of hours per week spent performing the work, and a statement regarding any real or potential conflict of interest between the outside work and the staff member’s official duties. If the immediate supervisor and Human Resources Director elect to approve pursuit of the outside work, it shall be issued in writing.

A staff member should consult his or her immediate supervisor or the Human Resources Director before pursuing any outside work, or have any questions regarding the outside work policy. A staff member that is on sick leave, FMLA leave or disciplinary suspension is not eligible for outside work during the time of leave.

5.17 SOLICITATION AND DISTRIBUTION

Soliciting for any cause or organization by any staff member, or collecting money from another staff member, is prohibited while either staff is on working time. “Working time” is all time spent on the premises, or on official travel to and from the College, other than before and after work, at meal periods, or on official break times.

Distributing outside literature, including for non-NHSC charitable or fund-raising causes, and circulating petitions in NHSC work areas is also prohibited at all times. Distribution of outside literature is permitted only in common areas used for staff member breaks.

Finally, trespassing, soliciting or distributing any literature by anyone not employed by NHSC is prohibited on College premises, including all parking lots. Staff

members who are off-duty are not permitted to solicit or distribute literature on NHSC premises.

5.18 GOVERNMENT AND POLITICAL ACTIVITY

NHSC encourages staff members to exercise their rights by taking an active interest in government, and participating in political affairs. Staff members have the right to express their opinions on political issues and candidates provided such activity does not fall under one of the following prohibited activities:

- Any activity in which participation in that activity would interfere with the efficient performance of official duties, or create an apparent conflict of interest.
- Any activity on NHSC property to organize, or reorganize, a political party or political club.
- Any activity on NHSC property to organize, sell tickets to promote, or actively participate in the fund-raising activity of a candidate.
- Any activity on NHSC property to solicit votes in support of, or in opposition to, a candidate for public office or political issue in a partisan election.

NHSC does not endorse or contribute to any political candidate, party or cause. All political activities are to be done as the actions of individuals, on their own time, away from NHSC facilities.

Any staff member wishing to seek elective office should inform his or her supervisor and the Human Resources Director. Subject to the requirements of the law, NHSC may grant unpaid personal leave to a staff member who is elected to office in order to fulfill the responsibilities of the office, once available paid leave, i.e., vacation, is exhausted. A staff member seeking leave under this policy must submit a written request to the Human Resources Director at least one (1) week prior to the first day of leave, state the duration of the requested leave, and the reason(s) for leave. Such leave will be granted according to law and the discretion of the President.

5.19 PREVENTION OF VIOLENCE OR ILLICIT ACTIVITY

NHSC promotes an environment free from threats, acts of violence, or illicit activity, whether real or perceived. [Illicit activity is defined as any activity perpetrated against anyone that is in violation of that person's rights, including, but not limited to, assault, rape or sexual assault, abuse, theft or other criminal conduct.] NHSC will not tolerate violence or illicit activity by anyone, including employees, students or visitors, against anyone on campus, or during school related activities regardless of location.

Any alleged violation of this Policy shall immediately be reported to any supervisor or Administrator, an Incident Report Form (available from the Human Resources Department) fully detailing the alleged violation must be completed, and an immediate, thorough investigation will commence. Failure of any staff member to report any alleged violation of this Policy may be grounds for employment termination. Staff

members are also admonished to maintain confidentiality as far as possible in reporting any incident and participating in any investigation, and should refrain from discussing the matter with anyone, except the investigating official and the President.

If the allegations within the Incident Report are substantiated, the President (or authorized Administrator acting in his or her absence) shall impose appropriate discipline, up to and including, employment termination, expulsion, or barring from the premises. The President (or authorized Administrator acting in his or her absence) will report the incident to the appropriate authorities no later than the next working day, and any involved staff members must cooperate fully with any investigation by the authorities, including any criminal prosecution.

5.20 FIREARMS/WEAPONS

The possession of firearms, explosives, knives or other dangerous weapons by any staff member on NHSC property is strictly forbidden. This includes possession of such items in personal vehicles parked on NHSC property. Violation of this policy will result in immediate employment termination.

5.21 CRIMINAL ACTS AGAINST NHSC PROPERTY

Criminal acts, breaking and entering, and/or theft of NHSC property is to be reported immediately to the President's Office and the authorities. Any staff member observing a criminal act or suspected criminal act against NHSC property should take the following actions:

- Assure that he or she is at a safe distance and not in personal danger, while observing the situation and noting details.
- Exercise care in not touching anything that may provide evidence or information for the police.
- Call the authorities and President as soon as possible to report the criminal acts.
- Fully cooperate with the authorities in the investigation, and provide all information requested.

The President will conduct an inventory of all NHSC property damaged or stolen, and make a full report to the Board.