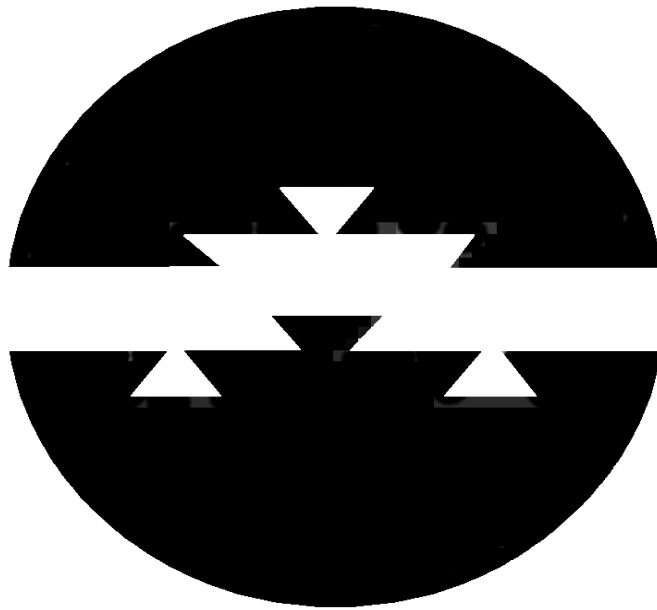


K'ima:w Medical Center

An Entity of the Hoopa Valley Tribe

PERSONNEL POLICIES



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APPROVED BY:

K'ima:w Medical Center Board of Directors

DATE: May 8, 2012

Table of Contents

Chapter 1	PERSONNEL RESPONSIBILITIES	
Section	1.1	Functions of this Manual 1 of 4
	1.2	Employee Supervision 1 of 4
	1.3	Role of the Governing Board 1 of 4
	1.4	Chief Executive Officer 2 of 4
	1.5	Human Resource Director 2 of 4
	1.6	Discharge Planning Coordinator 2 of 4
	1.7	Code of Employer-Employee Relations 2 of 4
	1.8	Nepotism/Conflict of Interest 3 of 4
	1.9	Chain of Command 4 of 4
Chapter 2	EMPLOYMENT	
Section	2.1	Equal Employment Opportunity 1 of 15
	2.2	Productive Work Environment 1 of 15
	2.3	Employment Categories 2 of 15
	2.4	Employment Classification 3 of 15
	2.5	New Employee Orientation/Yearly Reorientation 4 of 15
	2.6	Medical Procedures 5 of 15
	2.7	Hepatitis B Vaccine 7 of 15
	2.8	Serious Disease. 7 of 15
	2.9	Introductory Period 8 of 15
	2.10	Residential/Home Telephone, Cellular Phone and Social Medical Requirements 9 of 15
	2.11	Malpractice Insurance Requirements 11 of 15
	2.12	C.P.R. Requirement 12 of 15
	2.13	Auto Insurance 11 of 15
	2.14	Automobile Usage 11 of 15
	2.15	Hours of Work 12 of 15
	2.16	Outside Employment 14 of 15
	2.17	Employee Request to be Excused 14 of 15
Chapter 3	RECRUITMENT AND HIRING	
Section	3.1	Recruitment 1 of 3
	3.2	Job Announcements 1 of 3
	3.3	Filing Applications 1 of 3
	3.4	Affirmative Action 1 of 3
	3.5	Qualifications 1 of 3
	3.6	Evaluation of Applicants 2 of 3
	3.7	Interview Panel 2 of 3
	3.8	Selection 2 of 3
	3.9	Appointment 3 of 3

Table of Contents

Chapter 4	SEPARATION OF EMPLOYMENT	
Section	4.1 Termination of Employment	1 of 2
	4.2 Termination Process	1 of 2
Chapter 5	PAY PRACTICES	
Section	5.1 Salary Administration	1 of 4
	5.2 Pay Procedures	2 of 4
	5.3 Overtime	3 of 4
	5.4 Time Card Procedures	4 of 4
Chapter 6	WORK PERFORMANCE EVALUATION	
Section	6.1 Job Descriptions	1 of 3
	6.2 Job Evaluation	1 of 3
	6.3 Performance Appraisals	2 of 3
Chapter 7	EMPLOYEE BENEFITS/EDUCATION/COUNSELING	
Section	7.1 Disclosure of Benefits	1 of 5
	7.2 Educational and Training Development	2 of 5
	7.3 Continuing Education for Professional and Semi-professional Employees	3 of 5
	7.4 Employee Counseling	4 of 5
	7.5 Employee Recognition and Service Awards	5 of 5
Chapter 8	HOLIDAYS	
Section	8.1 Holidays	1 of 1
Chapter 9	SECURITY AND SAFETY	
Section	9.1 Employee Safety	1 of 9
	9.2 Protection of Health Care Workers	3 of 9
	9.3 Management of Health Care Workers	4 of 9
	9.4 OSHA Guidelines for Exposure to Infectious Disease	4 of 9
	9.5 On the Job Injury/Illness	4 of 9
	9.6 Accident Investigation Report	6 of 9
	9.7 Employee Assault and Battery	6 of 9
	9.8 Employee Property	7 of 9
	9.9 K'ima:w Medical Center Property	7 of 9
	9.10 Security.	7 of 9
	9.11 Parking	8 of 9
	9.12 Smoking or Other Tobacco Products	9 of 9
Chapter 10	ABSENCE FROM WORK	
Section	10.1 Attendance and Punctuality	1 of 8
	10.2 Leaves of Absence	1 of 8
	10.3 Educational Leave	3 of 8
	10.4 Sick Leave	4 of 8
	10.5 Maternity Leave	5 of 8
	10.6 Administrative Leave	6 of 8

Table of Contents

	10.7	Vacation Leave	6 of 8
	10.8	Bereavement Leave	7 of 8
	10.9	Jury Duty/Job Related Subpoena	7 of 8
	10.10	Election Day	7 of 8
	10.11	Rest Breaks/Meal Breaks.	7 of 8
Chapter 11		PERSONAL CONDUCT	
Section	11.1	Behavior of Employees	1 of 11
	11.2	Personal Appearance of Employees	2 of 11
	11.3	Employees in Non Uniformed Areas	2 of 11
	11.4	Employees in Uniformed Areas	3 of 11
	11.5	Client Relations	5 of 11
	11.6	Use of Communication Systems	5 of 11
	11.7	Confidential Nature of K'ima:w Medical Center Affairs	6 of 11
	11.8	Privacy Act	7 of 11
	11.9	Drugs, Narcotics, and Alcohol	7 of 11
	11.10	Disciplinary Procedure	8 of 11
	11.11	Disciplinary Procedure Managers	9 of 11
	11.12	Table of Penalties	11 of 11
Chapter 12		GRIEVANCE	
Section	12.1	Grievance Procedure	1 of 1
	12.2	Manager Grievance Procedure	1 of 1
	12.3	Employee Grievance Procedure	1 of 1
Chapter 13		MISCELLANEOUS	
Section	13.1	Personnel Records	1 of 2
	13.2	Business Related Expense Reimbursement	1 of 2
	13.3	Suggestion Program	2 of 2
	13.4	Patient's Complaints	2 of 2
	13.5	Religious Exercise and Religious Expression in the Workplace	2 of 2

CHAPTER 1 PERSONNEL RESPONSIBILITIES

Section 1.1 Functions of this Manual

It is the policy of K'ima:w Medical Center (KMC) that this manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

- A. This manual contains general statements of K'ima:w Medical Center policy and should not be read as including the details of each policy. Additionally, this manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. K'ima:w Medical Center may add to the policies in the manual or revoke or modify them from time to time. It will try to keep the manual current, but there may be times when policy will change before this material can be revised. Copies of these changes are kept at the K'ima:w Medical Center Human Resource Department for information.
- B. The Human Resource department is responsible for disseminating new policy information.
- C. Department managers and supervisors should refer to the manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Chief Executive Officer (CEO). Department managers and supervisors are encouraged to recommend changes or new policies.
- D. As used in the manual:
 - 1. The words "shall" or "will" should be interpreted as mandatory and the word "may" as permissive;
 - 2. "Supervisor" or "Program Manager" means an individual with the authority to assign, direct, and review the work of two or more subordinates.
- E. All employees and other persons working in or for K'ima:w Medical Center are required to familiarize themselves with these policies and other regulations as applicable to their duties.

1.2 Employee Supervision

Work of all employees will be assigned, directed, and reviewed by supervisory personnel. All supervisory personnel shall provide competent supervision designated to improve patient care and employee efficiency. Employees ordinarily will have one supervisor to whom they report.

1.3 Role of the Governing Board

The Governing Board shall be responsible for setting and overseeing that the goals and objectives of K'ima:w Medical Center are attained. This shall include selection and appointment, of a competent Chief Executive Officer and Medical Staff who are qualified for the responsibilities through education and experience, and approval of Bylaws for the proper operation of the medical center. The Governing Board is responsible to the Hoopa Valley Tribal Council.

1.4 Chief Executive Officer

This position is responsible for the overall operation of the K'ima:w Medical Center rural acute care facility and other health care programs, the implementation of established policies, and liaison with the Governing Board, the medical staff and the departments of KMC. This position directs all functions of K'ima:w medical Center health care programs in keeping with the overall policies, goals, and objectives established by the Governing Board.

1.5 Human Resource Director

This position is responsible for handling K'ima:w Medical Center's human resources function and, in that capacity, serves as a senior consultant to top management on all matters concerning human resource management. In addition, provides staff assistance to supervisors and department managers in developing, communicating, and carrying out K'ima:w Medical Center's personnel policies.

1.6 Discharge Planning Coordinator

The Director of Social Services is designated as the Discharge Planning Coordinator. The Discharge Planning Coordinate will assist in establishing post-hospital care to ensure a smooth transition from the hospital to an appropriate discharge. Maintain direct communication with the patient, the patient's family, the patient's primary physician and nursing care team and will maintain close working relationships with ancillary departments regarding patient's level of function and services that may be needed at discharge.

1.7 Code of Employer-Employee Relations

K'ima:w Medical Center will implement consistent and effective personnel policies and will require all employees to support the organization's best interests.

- A. K'ima:w Medical Center is committed to a mutually rewarding and direct relationship with its employees. Thus, K'ima:w Medical Center attempts:
1. To provide equal employment opportunity and treatment regardless of race, religion, color, gender, age, national origin, disability, or military status except where the Tribal Equal Rights Act Prevails;
 2. To provide compensation and benefits commensurate with the work performed;
 3. To establish reasonable hours of work based on K'ima:w Medical Center's service needs;
 4. To monitor and comply with applicable laws and regulations concerning employee safety;
 5. To offer training opportunities for those whose talents or needs justify the training;
 6. To be receptive to constructive suggestions about a job, working conditions, or personnel policies;
 7. To establish appropriate means for employees to discuss matters of concern with their immediate supervisor or department manager.
- B. As a part of K'ima:w Medical Center's commitment to providing Clients with excellent service, it is expected that all employees are:
1. To deal with Clients and suppliers in a professional manner;
 2. To perform assigned tasks in an efficient manner;
 3. To be punctual;

4. To demonstrate a considerate, friendly, and constructive attitude toward fellow employees and Clients; and
 5. To follow the policies adopted by K'ima:w Medical Center.
- C. K'ima:w Medical Center retains the sole discretion to exercise all managerial functions, including the right:
1. To dismiss, assign, supervise, and discipline employees;
 2. To determine and change starting times, quitting times, and shifts;
 3. To determine and change the size and qualifications of the work force;
 4. To determine and change methods by which its operations are to be carried out;
 5. To determine and change the nature, location, services rendered, and continued operation of the business; and
 6. To assign duties to employees in accordance with K'ima:w Medical Center's needs and requirements and to carry out all ordinary administrative and management functions.

1.8 Nepotism/Conflict of Interest

"Nepotism", as used in this Policy is defined as preferential treatment accorded to a member of one's immediate family: spouse, son, daughter, father, mother, sister, brother, grandmother, grandfather, grandson, granddaughter, aunt, uncle, niece, nephew, including step fathers, mothers, sons and daughters when determined clearly evident by the CEO; and the following in-laws: son, daughter, brother, sister, mother, father, aunt, uncle, nephew and niece.

"Conflict of interest", as used in this policy is to require accountability of K'ima:w Medical Center employees in exercising the authority vested with them as a matter of public trust. Employees will treat their positions as a matter of public trust, only using the power and resources of K'ima:w Medical Center to advance K'ima:w Medical Center interest and not to attain personal benefit or promote private gain for him/herself, relatives (as defined in this section), or business associates. Employees must abstain from using their position in a manner which could place, or appear to place, their personal interest before that of K'ima:w Medical Center.

In conducting medical center activities:

- A. No member of a Personnel Selection Committee or the Governing Board shall participate in the selection of an applicant or in the taking of personnel action of any individual defined in this section.
- B. No employee or the Governing Board shall participate in the taking of personnel action of any individual when a conflict of interest or nepotism exists, as defined in this section. No Manager should promote or hire an employee that would create a conflict of interest or nepotism.
- C. No employee may be assigned to a unit supervised by a member of the family, as defined in this section. In the event the supervisory relationship is brought into existence by the promotion of an employee, the CEO shall recommend to the Governing Board the proper personnel action to take on an individual case basis.

- D. Employees shall not accept outside employment which interferes in any manner with the full and proper discharge of the duties of his or her position or results in a conflict of interest. A conflict of interest also exists if an employee's private activities interfere with the proper discharge of his or her official duties.
- E. No Department Manager with decision making authority shall participate in any activity that creates a conflict of interest situation. A conflict of interest exists when a manager uses, or has the potential to use, his or her position for benefits to himself or herself, relatives (as defined in this section), or business associates. If a manager is involved in an outside interest which could be affected by a K'IMA:W MEDICAL CENTER project or activity, and a conflict of interest exist in reality or appearance, he or she must report the situation to the CEO immediately. The CEO will take necessary measures to remedy the Conflict of Interest situation. Such measures may include reassignment or a cease and desist order.

1.9 Chain of Command

The Governing Board of K'ima:w Medical Center, is responsible for policy decisions that affect the overall operation of KMC. Policy proceeds from the Governing Board to the Chief Executive Officer who provides overall supervision of all KMC programs. The CEO then delegates duties and authorities to the appropriate program or employee(s).

The Governing Board requires all employees go through the proper channels when they have employment or personnel issues with KMC. To insure objectivity all communications between staff and the Governing Board shall be through the CEO.

Violations of the chain of command protocol are prohibited within the operations of the K'ima:w Medical Center. Any employee or manager who violates this policy shall be subject to immediate disciplinary action, including possible termination of employment. A violation to the chain of command policy is defined as, 1) when an employee usurps the established lines of authority within K'ima:w Medical Center's structure without first discussing the matter with his/her Department Manager; or 2), when a Department Manager submits a matter to the Governing Board without first discussing the matter with the CEO.

CHAPTER 2 EMPLOYMENT

Section 2.1 Equal Employment Opportunity

No person will be discriminated against in employment because of race, color, age, religion, national origin, political affiliation, marital status, gender, disability, or military status with the exception of the provisions made by the Hoopa Valley Tribal Employment Rights Ordinance. The Hoopa Valley Tribal Employment Rights Ordinance provides that qualified members of the Hoopa Valley Tribe and members of other federally recognized Tribes shall be given preference in hiring.

Any applicant or employee who alleges discrimination in any aspect of employment may first discuss the problem with the Human Resource Department and if the problem is not resolved, file a complaint through the applicable EEO grievance process. Information on that process shall be located at the TERO office. The applicant or employee also retains the right to file a complaint with any applicable Federal agency exercising authority in matters of discrimination (e.g. Equal Employment Opportunity Commission).

2.2 Productive Work Environment

K'ima:w Medical Center shall promote a productive work environment and shall not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

- A. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, family association, religion, disability, pregnancy, age, military status, or gender. Special attention should be paid to the prohibition of sexual harassment.
- B. K'ima:w Medical Center also considers behavior disruptive when it has the potential to harm patients, such as by delaying treatment or causing or enabling medical errors. KMC describes disruptive behavior as conduct by an individual working in the organization that intimidates others to the extent that quality and safety could be compromised. These behaviors may be verbal or non-verbal, may involve the use of rude language, may be threatening, may involve physical contact, or passive activity such as refusal to do certain tasks or answer questions.
- C. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. Supervisors or managers shall not threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- D. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, board members or non-employees, is also prohibited. This conduct includes:
 1. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;

2. Verbal abuse of a sexual nature; such as lewd comments, sexual jokes or references, and offensive personal references;
 3. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual.
 4. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including photographs;
 5. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.
- E. Any employee who believes that a supervisor, manager, other employee or non-employee actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor, department manager, or Human Resource Director.
- F. All complaints of harassment are to be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.
- G. Any employee, supervisor, or manager who is found to have violated the harassment policy shall be subject to appropriate disciplinary action, up to and including termination. K'ima:w Medical Center prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if an investigation of a complaint shows that the complaint or information was false, the individual who provided the false information shall be subject to disciplinary action, up to and including termination. (See Disciplinary Procedure, Chapter 11).

2.3 Employment Categories

- A. Employee: A person who is hired to provide service to KMC for compensation.
- B. Department Manager/Director: A Department Manager/Director has the direct responsibility for the functions of a department.
- C. Contract Employee: A contract employee is one that is hired under a specific employment contract. This policy applies to all contract employees except where contract language should supersede these personnel policies. In the absence of a contract employee evaluation process, the Manager's evaluation process shall be followed.
- D. Civil Service and Commissioned Corps employees: All Commissioned Corps Officers and Civil Service employees will follow K'ima:w Medical Center's Personnel Policies and Procedures manual in all matters except where the Division of Commissioned Personnel or the Civil Service Regulations state otherwise. All federal employees will have a designated on-site supervisor who will be responsible for direct supervision. Every federal employee must have a Memorandum of Agreement and/or an Intergovernmental Personnel Act Agreement on file at K'ima:w Medical Center. These agreements will be negotiated between appropriate Hoopa Valley Tribal Representative, K'ima:w Medical Center Representative, Governing Board, and potential federal employees before placement occurs.

- E. **Volunteer/Serving without pay:** Volunteers and persons appointed to serve without pay are not eligible to receive wages and benefits available to paid employees under this manual. Volunteers and persons appointed to serve without pay must abide by all applicable K'ima:w Medical Center personnel policies. Volunteers must be approved for volunteer services by the CEO and must receive orientation. Volunteer employees are not entitled to any benefits provided under this policy but shall perform work consistent with these policies. Volunteers may be dismissed at the discretion of the department manager and have no appeal rights. All volunteers are subject to the Tribe's Alcohol and Drug Testing Policy for positions longer than seven (7) days.
- F. **Intern Employee:** Interns are hired on a temporary basis for a limited time period provided budgeted funds are available and are not eligible for benefits. Interns are paid by the hour. No intern advertising is required.

2.4 Employment Classification

Employees will be classified as full-time, part-time or intermittent, regular, temporary, per diem, on-call or contract and as exempt or nonexempt for the purposes of compensation administration. In addition, the KMC may supplement the regular workforce, as needed, with other forms of flexible staffing. The Human Resource Department is responsible for classifying employees. Employees generally may be classified as follows:

A. Classification

1. **Introductory Employee:** All entrances and all promotional appointments are subject to an Introductory Period of ninety (90) days from the date of hire. Any interruption of service during the Introductory Period shall not be counted as part of such period.
2. **Regular Employee:** Regular employees are defined as those employees who are hired to work for an indefinite period. They are eligible for all employer-sponsored benefits. Regular part-time employees are entitled to pro-rated sick, annual and holiday pay based on actual regular hours worked. Regular part-time employees who are regularly scheduled to work 30 or more hours per week are entitled to Health Insurance coverage.
3. **Temporary Employee:** A temporary employee is an individual who is hired to fulfill an emergency or other short term specified, limited period.
 - a) Temporary Employees are not eligible for employer-sponsored benefits described in this manual. Other benefits may be granted to the extent required by Tribal and other applicable laws.
 - b) Should a temporary employee become a regular employee, his/her anniversary date will be based on the date the said employee acquired regular status.
 - c) Temporary appointments are limited to six (6) months. Successive temporary appointments to the same position with the same person is prohibited.
 - d) A temporary employee shall not have appeal rights under these policies except in cases of alleged discrimination.
 - e) All temporary employees hired to work for less than seven (7) days are not subject to a pre-employment alcohol and drug test. Employees are subject to alcohol and drug testing for positions exceeding seven (7) workdays, pursuant to the Tribe's Alcohol and Drug Policy.

4. **On-Call Employees:** On-call employees are defined as those employees who are not regularly scheduled for work. They work only as needed and as called in. On-call employees are completely ineligible for any employer-sponsored benefits.
5. **Contract:** A contract employee is one that is hired under a specific employment contract. This policy applies to all contract employees except where contract language supersedes these personnel policies. Employment of a contract employee with the K'ima:w Medical Center shall end upon expiration of the contract. The K'ima:w Medical Center Board of Directors may renew a contract without re-advertising the position.

B. Time Base

1. Full-time employee: Full-time is an employee who works 40 or more hours a week. An EMS employee classified as a full time employee must work a minimum of twelve (12) shifts per month to maintain eligibility for full-time status. Fiscal recommends considering moving EMS to their own policies. They currently work 3 - 24 hour shifts
2. Part-time employee: Part-time employees are hired to work for less than 40 hours a week.
3. Intermittent employee: Intermittent employees may not have a consistent schedule, may be needed as "on-call", or expected to work an irregular schedule each week. Hours per week may range from 0 up to 40 hours.

C. Exempt/Non-Exempt: It is the policy of K'ima:w Medical Center to utilize the FLSA (Fair Labor Standards Act) definitions as a guideline to classify employees as exempt or non-exempt.

1. Non-Exempt Employees: A nonexempt employee is subject to the minimum wage and overtime provisions as outlined in the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
2. Exempt Employees: An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees are paid on a salary basis and include administrative, executive, and professional employees, outside sales representatives, and certain highly-skilled computer professionals.

2.5 New Employee Orientation/Yearly Reorientation

It is the intention of K'ima:w Medical Center to provide introductory employees with an orientation program so that the transition to K'ima:w Medical Center is made as easily as possible. Reorientation of employees provides each employee with a visible maintenance program as well as compliance with mandatory requirements under JCAHO and other applicable Laws. All training materials will be kept current. Any revised training materials will be presented to all health care workers. The Human Resource Department is responsible for the overall development and coordination of the orientation program and for implementing the new employee orientation that covers KMC history, philosophy, policies, benefits, new employee files, and documentation. Each supervisor is responsible for orientation as it applies to introducing the new employee to the specific job and department and may select a coworker to serve as a mentor to facilitate the introductory employee's transition.

- A. Orientation of new employees will begin to take place on the first day of work by the supervisor.

- B. General quarterly orientation sessions are held for all new hires. All new hires must attend one quarterly orientation session to successfully complete the probationary period. The following topics will be covered:
1. History of K'ima:w Medical Center
 2. Organizational and Personnel Policies, Employee Benefits, HIPAA, Dress Code, etc.
 3. Infection Control Policies and Procedures
 4. Fire, Safety, and Disaster Plans
 5. Hazard Communication Program
 6. Hoopa Tribe and other local Native American Cultures.
- C. Employees will be required to review relevant K'ima:w Medical Center information. A study guide (Health Stream) which includes information on General, Electrical, Radiation and Fire Safety, Response to Disaster, Hazardous Materials and Spills, Infection Control, etc. and the Personnel Policies will be distributed to the employee at the time they are hired. The employee will review this material every two years thereafter and provide certificates of completion to the supervisor at the time of the performance evaluation.

2.6 Medical Procedures

It is the policy of K'ima:w Medical Center that applicants, to whom a conditional offer of employment has been extended, and current employees may be required, to undergo medical tests, procedures, or examinations, whenever management determines that these are necessary for the safe or efficient operation of the medical center. These examinations, including lab work, and tuberculin skin tests are at no cost to the candidate or employee, if appointment is made at K'ima:w Medical Center.

- A. A health examination, performed by a person lawfully authorized to perform such an examination, shall be required as a requisite for employment and must be performed prior to employment. Written examination reports, signed by the person performing the examination, shall verify that employees are able to perform assigned duties.
- B. All physicals, lab work and tuberculin tests must be completed before the candidate employee reports for work. Results of tests shall be evaluated by the physician who shall determine employee's fitness for work. A candidate shall not be considered to be in the employ of the K'ima:w Medical Center until it is determined that he/she has met K'ima:w Medical Center's medical standards for work. Any offer of employment may be revoked automatically if the results of the health screen indicate applicant cannot perform safely, with reasonable accommodations as prescribed by the 1991 Americans with Disabilities Act, the essential functions for the job for which he/she applied.
- C. Initial examination for tuberculosis shall include a tuberculin skin test. If the result is positive, a chest film shall be obtained. A skin test need not be done on a person with a documented positive reaction to PPD but a baseline chest X-ray shall be obtained. Employees shall be required to have a tuberculin skin test every year and those who require a chest x-ray every two years thereafter.
- D. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation

for a disability, or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.

- E. Employees are required to have physical examinations every two years during their employment and are encouraged to participate in wellness programs.
- F. Medical examinations required by KMC shall be paid for by it and shall be performed by a KMC physician or licensed medical facility designated or approved by it. Medical examinations paid for by KMC are the property of KMC, and the examination records shall be treated as confidential and kept in separate personnel medical file. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- G. Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their immediate supervisor if the prescription/nonprescription legal drug contain a cautionary label. As the use of the prescription or nonprescription legal drug might impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs.
- H. KMC reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. KMC also may require a second and, if necessary, third medical opinion regarding an employee's absence because of illness or injury. Any required additional opinions shall be paid for by KMC.
- I. Employees returning from a disability leave or an absence caused by health problems will be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.
- J. Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. Supervisors shall arrange referral for examination, treatment, and recording of the incident as necessary. Time spent by an employee in waiting for and receiving this medical attention shall be considered hours worked for pay purposes.
- K. An injured employee's supervisor, any member of management, the Safety Officer, or medical personnel are authorized to have the employee transferred to an outside medical facility for treatment.
- L. K'ima:w Medical Center requires job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing, see Drugs, Narcotics, and Alcohol and The Hoopa Valley Tribe's Drug and Alcohol Policies.
- M. Any employee who shows symptoms of infectious disease (including a positive reaction to the skin test) shall be removed from contact with patients and directed to see his/her own physician for evaluation and possible treatment. The employee shall be removed from patient contact until it has been determined that the individual is no longer infectious.

- N. Knowingly harboring a communicable disease without notifying Supervisor, Human Resource or Infection Control Coordinator may result in disciplinary action, up to and including termination.
- O. Personnel medical records of required health examinations shall be kept on all employees and maintained by Human Resource. These records shall be kept a minimum of three years following termination of employment.

2.7 Hepatitis B Vaccine

K'ima:w Medical Center offers all KMC employees, Hepatitis B vaccine free of charge to protect those employees with possible exposure to Hepatitis B from acquiring the same. If employee does not wish to be vaccinated he/she must sign a Hepatitis B Waiver. The Hepatitis B vaccination record or signed waiver shall be submitted to K'ima:w Medical Center Human Resource to be placed in the employee confidential personnel medical file.

2.8 Serious Diseases

It is the policy of KMC that employees with infectious, long-term, life-threatening or other serious diseases may work as long as they are able to perform the duties of their job without undue risk to their own health or that of other employees, customers, or members of the public.

- A. Serious diseases for the purposes of this policy include, but are not limited to: cancer, heart disease, major depression, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus (“HIV”), and acquired immune deficiency syndrome (“AIDS”).
- B. KMC will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.
- C. Employees afflicted with a serious disease are to be treated no differently than any other employee. Therefore, if the serious disease affects their ability to perform assigned duties, those employees shall be treated like other employees who have disabilities which limit their job performance.
- D. Employees who are diagnosed as having a serious disease and who want an accommodation should inform their supervisor and the Human Resource Department of their condition as soon as possible. Supervisors and the Human Resource Department should review with the employee, KMC policy on issues such as employee assistance, leaves and disability, infection control, requesting and granting accommodations, KMC's continuing expectation regarding the employee's performance and attendance, and available benefits.
- E. Employees who have a serious disease and who want an accommodation should provide the Human Resource Department with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. KMC also may require a doctor's certification of an employee's ability to perform job duties. In addition, KMC may request that an employee undergo a medical examination.

- F. KMC shall maintain the confidentiality of the diagnosis and medical records of employees with serious diseases, unless otherwise required by law. Information relating to an employee's serious disease shall be treated as confidential.
- G. KMC will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Standard precautions, engineering and work practice controls, and personal protective equipment shall be used where appropriate to limit the spread of diseases in the workplace.
- H. Employees concerned about being infected with a serious disease by a coworker, customer, or other person should convey this concern to their supervisor, the Human Resource Department or Infection Control Coordinator. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease, without first discussing their concern with a supervisor, shall be subject to discipline, up to and including termination. In addition, where there is little or no evidence of risk of infection to the concerned employee, the employee's continued refusal may result in discipline, up to and including termination.

2.9 Introductory Period

The introductory period shall be an integral part of the selection and screening process and shall be utilized by the Department Manager as an opportunity to observe the new employee's work, to train and aid the new employee in adjustment to the position, and to relieve from employment any employee whose performance fails to meet required standards. Supervisors should carefully observe the performance of each employee in a new job position during the introductory period. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.

- A. Supervisors should prepare a written evaluation of the employee's job performance by the end of 90 days on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the Human Resources Department for inclusion in the employee's personnel file.
- B. Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their initial three-month employment period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement, may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance.
- C. Supervisors may recommend the termination of an introductory employee at any time. A recommendation for termination should be submitted in writing to the Human Resources Department for review and should include an evaluation and a list of actions taken to assist the employee. Action to terminate should have the prior approval of the Human Resources Department and CEO.
- D. Introductory employees generally are not eligible for any employee benefits until they have received a satisfactory initial evaluation and have been recommended for continued employment. The introductory period will be extended by the number of work days missed because of an excused leave of absence.

2.10 Residential/Home Telephone, Cellular Phone and Social Media Requirements

- A. Due to the critical nature of certain health care services performed by K'ima:w Medical Center personnel, an employee may be required to establish a residence within a reasonable emergency response time and may also be required to maintain a telephone at his/her place of residence in order to expedite emergency or patient care. These requirements are determined by the Department Manager and CEO. These employees must provide (and keep current) their home telephone numbers with their immediate supervisor and Human Resources.
- B. Employees using a KMC-supplied cellular phone must keep a log to substantiate its business use. Assigned cellular phones may not be used for personal use. Abuse of cell phone privileges will require repayment by the employee (if applicable) and will result in disciplinary action.
- C. Having your cell phone at work can be useful but it can also be very disruptive. Employees using their personal cellular phone at work must:
 - a. Turn your cell phone ringer off or set it to vibrate.
 - b. Use your cell phone only for important calls (this includes texting).
 - c. Let your cell phone calls go to voice mail or text messaging while you are at work if you are in doubt about whether an incoming call is important.
 - d. Find a private place to make cell phone calls or to text. When you use your cell phone at work for private calls or texting during breaks, don't stay at your desk. Find somewhere else to talk/text, where your conversation can't be overheard, even if what you're discussing isn't personal. You may be on a break but your co-workers have a job to do.
 - e. Don't bring your cell phone into areas where K'ima:w is responsible to protect the privacy of others.
 - f. Don't bring your cell phone to meetings. Even if you have your cell phone set to vibrate, if you receive a call you will be tempted to see who it's from. Don't answer text as well. All calls/texting can wait until your meeting is over or until there is a break. Unless you are expecting an emergency call.
 - g. Never use your cell phone camera if you have to protect privacy or deal with confidential documents.

2.11 Social Media Policy

The following policy applies to all K'ima:w Medical Center employees and covers all public access via the internet relating to K'ima:w's business. No part of this policy is intended to affect the rights afforded to an employee by the National Labor Relations Act. These policy guidelines include, but are not limited to: Twittering, blogs, discussion forums, newsgroups and e-mail distribution groups. Personal social media use on working time is not allowed.

Actions You Should Take:

- a. Disclose your affiliation: All K'ima:w Medical Center employees who communicate about matters related to K'ima:w must identify themselves and their affiliation with K'ima:w.
- b. Always Make A Disclaimer: If you place a statement online in any personal blog or website and it has to do in any way with your work at K'ima:w, use such a disclaimer as: "The postings on this site are my

own opinion and do not represent my employer's positions, strategies, business operations or its opinions.

- c. Never Provide K'ima:w's Confidential, Proprietary or Trade Secret Information: Do not publish, post or in any way convey information that is considered confidential, proprietary or trade secret information. Ask yourself: Would this public statement in any way violate confidentiality?
- d. Never Cite, Criticize or Reference Customers or Vendors: Make sure you stick to your opinions. Do not personally attack customers, vendors or guests, or cast them in a negative light.
- e. Respect your Audience: Act responsibly and ethically. Do not make any false claims, job titles, or use any illegal, racist, sexual, insulting, defamatory or obscene language, or engage in any communication that would be threatening or infringing on intellectual property or invading the privacy of a employee or otherwise injurious or discriminatory. Do not illegally disparage the company's products, services, executive leadership, employees, strategy, and business prospects.
- f. Do Not Use Copyrighted material or Plagiarize Such Material: Do not use or incorporate K'ima:w's logo, trademark or publish any other company copyrighted materials. This includes photos, imagery or derivatives thereof in your address, screen name, home page, and screen imagery. Be sure you have the right to use something with proper attribution before you post it.
- g. Don't Pick Fights: If there are incorrect or false statements made, you may wish to counter with a positive statement of fact, as long as it does not disclose confidential information.
- h. You Should Never Disclose: Non-public financial or operational information. These includes strategies, forecasts, revenues, profits, and any information related to specific brands, products, product lines, pricing policy, customers, operating units, nor disclose, information about any specific customer or vendor.
- i. Expertise and Advice: Do not purport to communicate advice on legal matters. Speak only on those matters about which you have first-hand knowledge and only on those matters that are not privileged and confidential.
- j. Follow All Company Policies: Policies on personal use of company equipment, internet usage, confidentiality, trade secrets, and publication of articles, harassment, and any other rules of conduct are not affected by these policies. You should understand that K'ima:w retains the right to monitor K'ima:w employees use of all company owned and issued data storage devices for engaging in discourse on social media and networking sites even if the social networking or social media use is during non-work time.

Employees have no right to a reasonable expectation of privacy with respect to any such information even if such information is sent through use of employee's personal e-mail account with company equipment. K'ima:w reserves the right to access, review and disclose any such information in accordance with all applicable law.

If not specifically addressed in this policy, an issue or problem may be clarified by resorting to other company policies. Similarly, conduct that violates these policies will subject the employee to the same action as set forth in the disciplinary policy, up to and including termination.

2.11 Malpractice Insurance Requirements

Malpractice insurance shall be provided under the Federal T.O.R.T. Claims Act.

2.12 C.P.R. Requirement

- A. All employees are required to have a current Cardio Pulmonary Resuscitation (C.P.R.) Certification.
 - 1. Skills must be updated every two years (or prior to expiration date).
 - 2. New hires will submit a current C.P.R. card to the Human Resource Department during the new hire process. If a new hire does not have a current card upon employment, he/she shall be required to obtain current C.P.R. certification during their orientation period.

- B. Re-certification: The Human Resource Department will remind Department Managers by memo of the employees who are required to present re-certification.
 - 1. Re-certification of C.P.R. can be obtained at the KMC's recertification workshops.
 - 2. The appropriate department manager will be notified of employees who have not complied with this requirement and the employee may be suspended without pay until re-certification is obtained. Failure to present proof of CPR re-certification within fifteen (15) days of the date of suspension may result in termination.

2.13 Auto Insurance

All employees using private vehicles related to K'ima:w Medical Center work, must provide proof of auto insurance as an employment condition if the vehicle is required during the course of position duties. All employees required to drive during the course of their employment shall be required to obtain clearance to drive by the Hoopa Valley Tribal Insurance Office via the KMC Human Resource Department.

2.14 Automobile Usage

KMC may provide vehicles for business use, to allow employees to drive on KMC business, and to reimburse employees for business use of personal vehicles according to the guidelines below. Employees must also adhere to the Hoopa Valley Tribe Driving Policy.

- A. Employees may not drive KMC vehicles without the prior approval of their supervisor. Before approving a driver, the HR Director must verify the existence of a valid driver's license and personal auto liability insurance coverage, and make certain that the employee is eligible for coverage under any applicable HVT insurance.

- B. Employees whose jobs require regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. In addition, employees holding those jobs must inform their supervisors and HR Director of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this. For all other jobs, driving is considered only an incidental function of the position.

- C. KMC vehicles will be assigned to those departments that have demonstrated a continuing need for them. Additional vehicles are maintained in a motor pool for use as needed. Employees who receive prior approval from their supervisors may rent a car when traveling out of town on KMC business.

- D. Employees who need transportation in the course of their normal work may be assigned a KMC vehicle for their use. All other employees needing transportation for KMC business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no KMC

vehicles are available, employees may use their own vehicles for business purposes (excludes transport of patients), but only with the prior approval of their supervisor.

- E. Employees who drive a vehicle on KMC business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, to avoid distractions while driving (such as using cellular telephones), and to maintain the security of the vehicle and its contents. Drivers also must make sure that the vehicle meets any KMC or legal standards for insurance, maintenance, and safety. Employees are responsible for any driving infractions or fines that result from their driving and must report them to their supervisors and H.R. Director.
- F. Employees are not permitted, under any circumstances, to operate a KMC vehicle, or a personal vehicle for KMC business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.
- G. Employees may not use KMC vehicles for non-business purposes.
- H. Employees driving on KMC business may claim reimbursement for parking fees and tolls actually incurred. All requests for reimbursement must be approved by the employee's supervisor.
- I. Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the HVT mileage allowance for the use. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.
- J. Employees must report any accident, theft, damage, breakdown, or mechanical problem involving a KMC vehicle or a personal vehicle used on KMC business to their supervisor and the Human Resources Department, regardless of the extent of damage or lack of injuries. These reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.
- K. Time spent by nonexempt employees in driving a KMC or personal vehicle on Company business during normal working hours is considered hours worked for pay purposes. Commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

2.15 Hours of Work

It is the policy of K'ima:w Medical Center to establish the time and duration of working hours as required by work load and production flow, customer service needs, the efficient management of human resources.

- A. The normal work shift consists of: a) standard shifts of 8 work hours each (plus 1 lunch period) or, b) standard shifts of 10 hours each (plus 1 lunch period) or, c) standard shifts of 24 hours each (plus 1 or 2 meal periods).
- B. For payroll purposes, the work week is defined as the seven day (168 hour) period beginning at 12:01 a.m. Sunday and continuing through 12:00 midnight the following Saturday.

- C. The pay period is defined as a work period consisting of 14 consecutive 24-hour periods, at the end of which a new 14 day period commences.
- D. Employees are not permitted to work overtime without the prior approval of their Program Manager. For the purposes of overtime compensation, only actual hours worked in excess of forty during a workweek shall be counted.
- E. When any shift begins on the last day of the pay period and overlaps onto the beginning of the new pay period, all hours worked in the shift shall be paid in the pay period in which the shift began. For example: A shift begins at 6:00 p.m. on the last day of the pay period and ends at 6:30 a.m. the morning of the new pay period. All 12 hours of work shall be paid in the pay period just ending.
- F. Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if attendance is requested by management.
- G. K'ima:w Medical Center management reserves the right to alter operating hours at their discretion for the benefit of the organization in accordance with the varying needs and requirements of operation. This may include requiring the employees to work mandatory overtime, or scheduling an employee to work on a unit other than where they are normally assigned.
- H. Each employee must adhere to time and reporting guidelines and immediately notify the unit supervisor of any need to change his/her established work schedule.
- I. In instances where a change in entire work shift is needed, five (5) days advance notice should be provided to the supervisor.
- J. Supervisors should evaluate on an ongoing basis the work load and staffing requirements, and adjust work schedules and employee assignments depending on operational and employee needs.
- K. A temporary flex-time schedule may be approved for an employee by the CEO, providing all flex-time is fully justified and approved (in writing) in advance. A copy of the flex-time approval is to be forwarded to the Human Resource Department for placement in the employee personnel file. A temporary flex-time schedule may also be approved for all employees by the CEO in emergency situations such as adverse weather conditions.
- L. All employees are required to complete an individual time record showing the daily hours worked. Time records cover one workweek and must be completed by the close of each workday. The following points should be considered in filling out time records:
 - 1. Employees should record their starting time, time out for lunch, time in from lunch, quitting time, and total hours worked for each workday;
 - 2. Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
 - 3. Employees are required to take scheduled lunch or meal breaks;
 - 4. Employee time records should be checked and signed by the employee and supervisor to attest that the hours recorded are complete and correct. Un-worked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should be entered by the

supervisor on the time record. Authorized overtime also should be identified by the supervisor. Exempt employees shall not receive overtime compensation, but occasionally may be eligible for time-off after working abnormally long hours.

5. Unapproved absences should not be considered as hours worked for pay purposes. Supervisors shall inform employees if they will not be paid for certain hours of absence; and
6. Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

2.16 Outside Employment

- A. Full-time professional employees of K'ima:w Medical Center is expected to devote their full interests to their job assignments. In the event a professional employee has the opportunity to apply his/her knowledge and skills away from the Medical Center, the Chief Executive Officer may approve such activity if, in his judgment, it is in the best interests of K'ima:w Medical Center.
- B. Teaching in local schools and colleges may be permitted if considered by the Chief Executive Officer to contribute to the K'ima:w Medical Center program or goals and does not interfere with regular job activities. Supplementary employment activities of the Chief Executive Officer must be approved by the Governing Board. Supplementary employment of the general staff must be approved by their immediate supervisor and the Chief Executive Officer.

2.17 Employee Request to be Excused

The intent of this policy is to provide a procedure and process to address how staff requests to be excused, due to personal cultural values, ethics, and/or religious beliefs, from an aspect of a given patient's care will be accepted and reviewed, and how the organization will ensure that the patient's treatment is not compromised when such requests are granted.

- A. Before an individual staff member is hired they will be informed about policies on patient care that may influence their decision regarding employment for a specific position. If they decline such employment, the system will consider them for other position vacancies for which they might be qualified.
- B. Submission of Requests for Excuse from Job Duties:
 1. A staff member can request not to participate in a treatment, procedure or new unit of service by notifying their immediate supervisor as soon as they become aware of this issue.
 2. The request must be in writing, dated and signed, from the employee to their supervisor. A copy of the request shall be placed in their personnel file.
 3. The request must detail the specific job duty(s) that the employee feels conflict with their personal cultural values, ethics, and/or religious beliefs.
 4. The request should provide justification regarding any legitimate conflict between the specific job duty(s) (or aspects of care) and their personal cultural values, ethics, and/or religious beliefs. The organization maintains a list of activities that fall into this category, listed below.
 5. The request must be made well in advance, so that patient care is not jeopardized or compromised
- C. Review of Request for Excuse from Job Duties:

1. The supervisor will evaluate such requests and determine whether such requests can legitimately and appropriately be granted taking into consideration all circumstances existing at the time. Both the Supervisor and the Chief Medical Officer must approve a request to be excused from specific job duties in order for the request to be considered "approved". In addition, no approval shall be made that would place undue hardship on other staff members or the Medical Center as a whole. The review determination shall be clearly stated in writing back to the employee, and a copy shall be placed in the employee personnel file. If granted, the supervisor will arrange to redistribute the tasks, activities and duties to other individuals as needed to ensure appropriate quality care for the patient. It may be necessary for the individual requesting such exclusion to provide appropriate patient care until alternate arrangements can be made.
2. Due to staffing limitations, it may not always be possible to grant such a request. The Medical Center will attempt to make a reasonable accommodation for all justified individual requests and shall not unreasonably withhold approval.
3. The individual granted an exemption from duties under the provisions of this policy will be reassigned to other duties that do not conflict with their cultural values, ethics or religious beliefs.
4. The supervisor will evaluate the impact of this practice as part of their ongoing review of the appropriateness of patient care for the quality assurance process. Any suspected inappropriate application of this policy will be referred to the Human Resource Director for further review with appropriate personnel.

D. Procedures that may present conflict:

- Religious Holidays not provided for in KMC Personnel Policies.
- Sexual Education/Family Planning
- Immunizations
- Blood draws/donations

Section 3.1 Recruitment

To assure that interested persons are informed and qualified persons are attracted to compete, job vacancies must be publicized for a minimum of 15 days except for temporary appointments for periods of less than 15 work days. In order to assure equal employment opportunity, announcements shall be posted on bulletin boards and advertised to the extent that they will be available to all members of the community and other interested parties as deemed necessary by the Human Resource Department.

3.2 Job Announcements

Vacancy announcements shall include the position title, filing deadline, salary range, and brief description of major duties, responsibilities and minimum qualifications for the position. The announcement shall also include an Indian Preference statement and Drug Policy statement. Public notices shall be done in a cost effective manner. When advertising for a temporary position the advertisement may state that the position has the potential to become a regular position. If the temporary position is filled and a determination is made that it will be re-classified as a regular position the employee must receive a satisfactory performance evaluation in order to obtain the regular position.

3.3 Filing Applications

- A. Application for employment shall be made on forms provided by the Human Resource Department and must be filed with that office on or prior to the closing date specified in the announcement or postmarked before midnight of that date. Such applications may require information concerning education, experience, references, and other pertinent information. All applications shall be signed, and the truth of the statements contained therein certified by such signatures.
- B. Applications for employment will be accepted at anytime. The applications will be kept on file for one year and applicants will be considered for positions if requested by the applicant.

3.4 Affirmative Action

- A. Candidates for employment will be considered without regard to race, color, age, religion, national origin, political affiliation, marital status, sex, disability, or other non-merit factor.
- B. As provided by TERO, qualified members of the Hoopa Valley Tribe and other qualified Indians of a federally recognized Tribe shall be given preference in hiring.

3.5 Qualifications

The Program Manager shall screen all applications for minimum qualification requirements established for the job. Minimum qualification requirements reflect only the basic knowledge, skills, and abilities which are directly related to the duties of the position. Applicants who meet the minimum qualifications shall be rated qualified. Applicants who do not meet these requirements will not be considered for employment and shall be notified in writing by the Human Resource Director.

3.6 Evaluation of Applicants

- A. Evaluation of applicants can take the form of written examinations, oral interviews, consideration of training/education and experience, and previous job performance, etc. All applicants must be evaluated by the same method. Whatever form the evaluation takes, it must be practical in nature, job-related, and constructed to reveal the capacity of the candidate for the particular position for which he/she is competing.
- B. Applicants for a position are ranked by the Human Resource Director or by a Selection Committee.

3.7 Interview Panel

- A. Interview panel may be convened by the Program Manager or Human Resource Director.
- B. The Committee will consist of two to three individuals selected for their knowledge of the position, objectivity, and skill in interviewing and evaluating qualifications of candidates.

3.8 Selection

- A. Neither the Human Resource Director nor the interview panel will make hiring decisions. They will rank applicants and send the list to the appropriate Program Manager for action.
- B. The selection of key management personnel must be confirmed by the Board of Directors. A final offer of employment will be contingent upon completion of favorable background investigation. Key positions are defined as Managers (Directors), Physician, FNP, Dentist, and Pharmacist.
- C. All selected applicants will be subject to alcohol and drug testing pursuant to the Tribe's alcohol and drug testing policy.
- D. Background investigations may be required for other employment positions if contained in the minimum qualifications or job descriptions. The Human Resource Department will, where appropriate, conduct credit, personal reference, and criminal conviction checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant unless specifically set forth in the job classification. If the applicant accepts the offer a medical examination is required.
- E. If the background, medical, alcohol and drug test or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not suited for employment with K'ima:w Medical Center, the applicant shall be refused employment or, if already employed, shall be terminated.
- F. All Credentialed employees shall present proof of credentialing to Human Resources during pre-employment interviews, at the time of employment, and at the expiration date of the credentialing thereafter. Members of the Medical Staff will process their credentialing through the Medical Secretary. For the purpose of this policy, credentials refer to any license, registration and/or certifications which are required by State and/or national professional organizations in order to perform the duties of the job. Employees needing to show proof of credentials include but are not limited to:

1	Registered Nurse	2	Licensed Vocation Nurse
3	Pharmacist	4	Lab Technician/Technologist
5	Certified Radiology Technician	6	Registered Dietician

7	Physician	8	Physician Assistant
9	Family Nurse Practitioner	10	Public Health Nurse
11	Dentist	12	Registered Dental Assistant
13	Pharmacy Technician	14	Certified Medical Assistant

3.9 Appointment

Prospective employees shall receive written offers of employment. Upon arrival in the work place, employees will be given an initial orientation regarding employment with K'ima:w Medical Center. The written offer will include a brief description of the job, starting salary, effective date of employment, and other specific conditions relating to the individuals employment.

CHAPTER 4 SEPARATION OF EMPLOYMENT

Section 4.1 Termination of Employment

It is K'ima:w Medical Center's policy to terminate employment because of an employee's resignation, discharge, or retirement; the expiration or breach of an employment contract; or lay off. Typically, all terminations should be cleared by the Human Resource Department and approved by the CEO before any final action is taken.

- A. **Discharge:** An employee may be dismissed due to competency, poor performance or to effect disciplinary action. Discharge can be for any reason not prohibited by law. A supervisor may not dismiss an employee without consulting the Human Resource Director who shall verify that all required documentation has been properly placed in the employee's personnel file and has the final approval of the CEO.
- B. **Resignation:** An employee who resigns should give at least two weeks' notice in writing to the immediate supervisor. A copy of the notice shall be forwarded to the Human Resource Director and the CEO by the Department Manager.
 - 1. Employees who are not at work and have not contacted their supervisor within three (3) working days from the last day worked, or at the end of authorized leave, without being excused or giving proper notice shall be deemed to have resigned.
- C. **Retirement:** Employees are eligible for normal retirement, on the first day of the month following the month in which they reach age sixty-five. With limited exceptions, employees who want to continue working past age sixty-five may do so provided their job performance is satisfactory.
- D. **Expiration/Breach of Contract:** An employee may be released due to expiration or breach of contract.
- E. **Lay Off:** An employee may be laid off whenever it is deemed necessary by reason of lack of work or funds due to program reduction, reorganization, or other administrative adjustments.
 - 1. The affected employee(s) shall be notified of an impending lay off at least 10 working days prior to the effective date of the layoff, when possible. The notification shall state the reasons for the layoff and the option(s) the employee has, if any, for reassignment and subsequent re-employment.
 - 2. Seniority, performance, and type of appointment shall be considered in determining the order of layoff. No employee is to be separated by layoff until all temporary and introductory employees serving in the same job classification have been separated.

4.2 Termination Process

- A. Supervisors should send notices of resignation or recommendations for termination in writing to the Human Resource Department for review. This information should be accompanied by any needed supporting documents.

B. To process the termination, the Supervisor must complete the following items and forward them to the Human Resource Office:

1. An evaluation of the employee's performance with KMC,
2. A separation checklist
3. A letter notifying employee of the termination or a copy of the employee's resignation letter
4. Timesheet and absence requests for the current pay period, signed by the employee and the supervisor.
5. The employee's 'informal file' and copies of any documents which should be included as part of the employee's official Personnel file.

C. The Human Resource Office shall conduct an exit interview.

CHAPTER 5 PAY PRACTICES

Section 5.1 Salary Administration

K'ima:w Medical Center strives to establish and maintain rates of pay that fairly compensate employees for performing their duties. All salary rates and salary increases are subject to funding availability and budget-constraints.

A. Responsibilities:

1. The CEO of K'ima:w Medical Center has overall responsibility for implementing KMC's wage and salary policy. The Human Resource Department is responsible for the day-to-day administration of the program.
2. The feasibility of a cost of living increase shall be determined and approved by the Governing Board.
3. The CEO, Governing Board, and Tribal Council must certify that sufficient funds are available to cover the cost of salary increases as provided in these rules and that no budgetary or service deficiency will thereby be created.

B. Procedures: K'ima:w Medical Center will maintain a wage and salary administration program that ensures pay rates that are competitive with those of other comparable organizations, based on our current financial condition.

C. Classifications: Supervisors are responsible for ensuring that each employee is classified in a job title and rate range that corresponds to his or her actual duties.

1. Change of job content: It is the responsibility of the supervisor to be alert for changes in job duties that may result in misclassification of employees. The supervisor will discuss all such changes with the H.R. Director to see if a change in classification is necessary.

D. Rate Ranges: Each job in the organization has been assigned to a labor grade for the purpose of determining the appropriate pay level. In each labor grade, there are three important rate positions that serve as guides to supervisors in deciding on rates of pay when recommending the hire or reclassification of an employee, or when deciding on a pay increase:

1. Minimum rate-the lowest rate of pay in the rate range. This is the amount that should be paid to an employee who meets minimum qualifications for the job under normal supervision.
2. Maximum rate-the highest rate that will be paid for the job. This is reserved for those few employees who completely master their jobs and perform well above what is routinely expected.
3. Midpoint rate-the center of the rate range, halfway between the minimum and maximum. This corresponds to the "going rate" with comparable organizations. It is the range that should be paid to an employee who performs 100 percent of the job duties at 100 percent efficiency under normal supervision. For most employees, it is the highest rate of pay they can expect to receive. To go above it, they must be performing beyond what is normally expected.

- E. New Hires: Starting grade to be determined by funding, experience, training and education level and is not normally above the first grade and mid-step range.
- F. Performance Evaluation: While the performance of each employee is under constant review, overall performance and pay level will be appraised in detail at least once during each 12-month period, based on the calendar year (January through December, evaluation done by January 31, of each year). This review will determine the suitability and amount of a merit pay increase to be given (if any) and the interval of time between increases. Performance will be judged by those in management having direct supervisory responsibility for the job, and will be reviewed and approved by the H.R. Director, C.O.O. and the C.E.O.
- G. Merit: Employees who are eligible for a salary review may receive an increase which has been calculated on a weighted average of such measures as job duties, assigned goals/objectives for department/individual, personal work habits and general performance. Criteria based factors will be weighted higher than the general performance factors. Since merit increases are based on job performance, KMC reserves the right to deny an increase if poor performance warrants such action. Any merit increase given will be effective with the first day of the pay period following the annual evaluation date.
- H. Upon the employee's evaluation, the Program Manager in consultation with the Human Resource Director, shall evaluate and discuss those employees eligible for a salary review. If the employee is eligible for an increase it will be determined by the yearly evaluation as identified above. Increases will be provided in one step increments for those who meets requirements or above evaluations.
- I. Longevity Increase/Employees at Top Range: Staff at the top of their pay range (if eligible for an increase as determined above) will receive an annual compensation of one, two, or three percent lump sum determined by their evaluation and amount will be the percentage times the annual rate worked during that evaluation period. Increase percentages will be provided at a maximum of 3% and administered as identified below:
 - 1. One percent for meets requirements (average) overall evaluation.
 - 2. Two percent for exceeds requirements (above average) overall evaluation.
 - 3. Three percent for outstanding overall evaluation.

5.2 Pay Procedures

- A. Employees are paid every other Friday. There are 26 pay days per year. Employees can pick up their paychecks from their supervisors after 11:30 a.m. on each payday.
- B. Employees on each payday will receive, in addition to their check or deposit advice, a statement showing gross pay, deductions, and net pay. Local, state, federal, and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing.
- C. Employees who discover a mistake in their pay check, lose their pay check, or have it stolen should notify the Payroll Department as soon as possible. In the case of a mistake, the error will be remedied

as soon as possible. In the case of loss or theft, Payroll will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and KMC cannot be responsible for the loss or theft of a check if it cannot stop payment on the check.

- D. Pay advances will not be granted except in emergencies. Emergencies are defined as death in immediate family, serious illness in immediate family, and natural disasters. When requests for pay advances are made, they must be submitted in writing with evidence supporting the emergency and must be approved by the Program Manager and the Chief Executive Officer. Pay advances shall be limited to the amount of accrued compensation at the time of the request.
- E. Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their Department Manager or with the Human Resources Department.
- F. Time spent by nonexempt employees in traveling away from home on KMC business during normal working hours is considered hours worked for pay purposes. The time an employee spends traveling outside of normal working hours, however, is not considered time worked, unless the employee is actually performing work while traveling.

5.3 Overtime

K'ima:w Medical Center shall utilize the provisions of the Fair Labor Standards Act (FLSA) to compensate non-exempt employees for hours worked in excess of forty hours a week.

- A. Overtime shall be paid at a rate of one and one-half (1.5) times the employee's regular rate of pay for actual hours worked over 40 hours in the work week.
- B. Department Managers are responsible to ensure that any time worked in excess of normally scheduled hours has been pre-approved with written justification of such, since such time is considered as overtime and will be compensated at a premium rate.
- C. K'ima:w Medical Center will attempt to schedule overtime hours in a fair and consistent manner. However, due to the costly nature of overtime, the K'ima:w Medical Center reserves the right to schedule shifts in such a manner as to eliminate or reduce the amount of overtime whenever possible. Therefore, when a regularly scheduled employee has fulfilled his or her regularly scheduled hours, they may be eligible to work extra hours. However, preference in scheduling extra hours will be given to those employees whose schedules are such that working extra shifts may not put them into an overtime situation.
- D. Hours worked in excess of the normally scheduled work hours will be computed and recorded according to the appropriate situation and will be rounded (upward or downward) to the nearest quarter hour for payroll purposes.
- E. Because unauthorized overtime is a violation of K'ima:w Medical Center policy, employees who work unauthorized overtime are subject to disciplinary action which may range from verbal to written warning to termination.

5.4 Time Card Procedures (Electronic or Manual)

Department Managers are responsible for certifying the accuracy of payroll documentation. Neglect of responsibility for certifying payroll documentation shall be reflected in the manager's evaluation.

A. All employees of the K'ima:w Medical Center will utilize the time card procedures. Time cards will not be accepted or approved if they do not follow the procedures below:

1. Time cards with time written in by hand, typed, or any other non conformance are not acceptable. When an employee fails to punch in or out, the Immediate Supervisor will correct the time on the time clock or must verify that the employee worked by signing a Time Clock Correction form for Fiscal to correct the time sheet. No employee may correct their own time card on the time clock program.
2. Time cards will be punched at the start of each workday, at the beginning and end of lunch periods and at the end of the workday.
3. No employee may punch a time card in or out for another employee under any circumstances. Violation of this policy may be grounds for dismissal for the employee in violation.
4. Employees may not use annual, sick or compensatory leave to compensate for tardiness.
5. No employee shall work through their lunch period and add it to hours worked without prior approval of their immediate supervisor.
6. Employees who punch in late more than seven minutes will be docked one-quarter of an hour of pay. Example;

- 8:01 am No docking
- 8:07 am Dock fifteen minutes
- 8:22 am Dock one-half hour
- 8:37 am Dock forty-five minutes
- 8:52 am Dock one hour
- 9:01 am Is considered absent without official leave. (A.W.O.L.).

7. Employees may not take more than the allocated time for lunch period. Employees will be docked when late.
8. Employees punching out early will be paid only the actual time worked.
9. Employees are not allowed to carry time cards with them.

B. Exempt personnel are exempt from FLSA guidelines. These employees are required to fill out time cards to account for daily attendance by logging in when reporting for work and out when leaving. Partial day absences may not be docked (Employee's sick leave may be charged in increments of less than a day). In addition, exempt employees will not receive overtime compensation, but occasionally at the discretion of the CEO, may be eligible for time off after working abnormally long hours.

CHAPTER 6 WORK PERFORMANCE EVALUATION

6.1 Job Descriptions

All K'ima:w Medical Center positions shall be formalized through a job description. All job descriptions shall detail the functions of each classification of employee and shall be available to all personnel. Department Managers shall, on an annual basis, review their subordinate staff job descriptions and update same as may be required. Upon completion of the annual review Department Managers shall sign and date each job description.

All job descriptions shall include the following:

- Position Title
- Classification
- Reports to: (Title of Supervisor)
- Supervises (Title of Position(s), Position supervises, if applicable)
- Position Summary
- Specific Responsibilities, Statement of Responsibilities Described in Position Summary
- Qualifications
- Approved By
- Approval Date.

6.2 Job Evaluation

K'ima:w Medical Center evaluates all jobs in order to establish a consistent basis for measuring and ranking the relative worth of each job.

- A. K'ima:w Medical Center Human Resource is responsible for developing and administering the job evaluation program.
- B. Written job descriptions should be prepared for each position within K'ima:w Medical Center. Each job should then be evaluated and ranked using a standardized rating system that measures the job content and/or worth of the job in the external market place.
- C. All existing jobs are to be assigned a grade or classification based on their relative worth as determined by the evaluation.
- D. Each grade or classification has a salary range assigned to it and provides for a spread from a minimum to a maximum rate. Employee compensation within any labor grade or classification is based on factors such as merit, experience, individual productivity, length of service and external market factors.
- E. Human Resource should evaluate all new positions and review on a periodic basis all job descriptions and evaluations to assure that they accurately reflect current conditions.

6.3 Performance Appraisals

All employees receive a criteria based performance evaluation, the basis for which is: 1) The actual clinical practice of direct patient care staff; and, 2) The defined job description duties of all non-patient care employees. Criteria based evaluations assure that:

- All individuals who provide direct patient care service but who are not subject to the medical staff privilege delineation process, are competent to do so.
 - All employees are provided clear and precise standards against which their performance will be appraised.
- A. A performance review is defined as an open discussion of the mutual expectation of an employee and his/her supervisor with respect to job performance. These reviews may or may not involve a salary increase, depending on the employee's performance, the review schedule for the employee's job and the position of the affected employee in the salary range for that job classification. Supervisors should complete performance appraisals upon the following occasions:
1. Introductory/Probationary. All employees are eligible for a performance review following ninety (90) days of employment. This introductory/probationary evaluation must be formal and in writing, and will be signed by both the supervisor and employee. There may be a merit increase attached to a probationary evaluation.
 2. Annual. All employees are eligible for a performance review and salary review following twelve months of employment. Thereafter, on an annual basis, based on the calendar year. Due in January of every year.
 3. When a reduction in staff is necessary (see Layoff)
 4. A wage adjustment given across the board to an entire category of employees (i.e., RN's, Lab Tech's, etc.) will have no effect on the annual performance review dates of those employees.

Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents.

- B. A plan for growth and development shall be developed for individuals and be an integral part of the evaluation. These plans should reflect the department and overall needs of the medical center.
- C. The program manager and the employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and department manager should then sign and date the evaluation and forward it to the Human Department for review and inclusion in the employee's personnel file.
- D. In addition to adding written comments to their performance appraisal, employees may request a review by the Human Resource Department. (See Grievance Procedure, Chapter 900, Section 904.)
- E. Information derived from the performance appraisal may be considered when making decisions affecting training, pay or continued employment. Employees are to receive performance reviews on

schedule, and these reviews may not unnecessarily be delayed beyond the scheduled date (January) without notifying the employee and Human Resource department in writing of the reason for the delay. If an employee receives a review and corresponding salary increase late, he/she will receive retroactive pay back to the pay period in which the review should have occurred.

CHAPTER 7 EMPLOYEE BENEFITS/EDUCATION/COUNSELING

Section 7.1 Disclosure of Benefits

It is the policy of K'ima:w Medical Center to provide its employees with various welfare and pension benefits. Information and summary communications intended to explain these benefits plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. K'ima:w Medical Center reserves the right to modify, amend, or terminate its welfare and pension benefits as they apply to all current, former, and retired employees. The Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

A. Group Insurance Plans:

1. Employees are eligible for group health insurance benefits after the first of the month following 90 days of employment. Premiums are paid by KMC for employees only. Dependent coverage is paid by the employee (The Governing Board may elect to pay a portion of the dependent premium).
2. Group health insurance coverage on the employee and dependent(s), if applicable, may continue for a maximum of six (6) months while the employee is on medical and/or disability leave. Employee will be responsible for payment of their portion of the dependent coverage.

B. Employees on any other type of unpaid leave will be responsible for total insurance premium. Should employee fail to make premium payments, employee and dependents (if applicable) will be terminated from the group health insurance plan and notified of their right to continue coverage under COBRA.

C. Optional/Additional Insurance Coverage: Employees may purchase additional insurance coverage for themselves and/or dependents. This is called the Flexible Benefits Plan. Interested employees may contact the Human Resource Department.

D. Fringe Benefit Status During Introductory Period

1. This section applies only to new employees serving an introductory period to KMC. It does not apply to employees who are serving a period of introduction to a position as a result of being promoted.
2. Leave. No leave other than authorized without pay or military leave shall be taken by an employee during the introductory period.
3. Accrual of Leave. Sick leave and annual leave benefits based upon or earned in connection with time worked shall accumulate during an employee's introductory period. The employee shall not be entitled to receive leave or benefits during the introductory period.

E. Workers Compensation/Unemployment Insurance: The Hoopa Valley Tribe pays premiums for Workers Compensation Insurance and Unemployment Insurance. All accidents must be reported immediately.

F. Social Security: All employees are covered under the provisions of the Social Security Act and are eligible for the benefits which are provided.

- G. Miscellaneous Benefits: As a courtesy, all employees of K'ima:w Medical Center classified as regular as defined in 2.3 and 2.4, K'ima:w Medical Center shall accept all health insurance reimbursements as payment in full for direct care visits as it applies to the employee and covered family member(s). This courtesy is restricted to direct care only and is not applicable to specialty care and/or specialty care referrals, outside x-rays, laboratory tests, and pharmaceuticals.

7.2 Educational and Training Development

K'ima:w Medical Center encourages and promotes training opportunities for all employees provided that services they render will be more effective to the medical center. Preference in training will be afforded to Tribal member employees except in instances in which the training is necessary for a specific employee. The Human Resource Director shall assist Program Managers in meeting the training needs of their personnel; and in cooperation with the Program Manager, shall encourage the development of departmental and inter-departmental training programs designed to meet personnel needs and to prepare K'ima:w Medical Center employees for promotion to positions of greater responsibility.

The objective of this training program is to improve the ability of K'ima:w Medical Center staff to provide services to the members of the Hoopa Tribe and community.

- A. Guidelines for Educational and Training Development: The guidelines identify two general categories of training that will develop more effective personnel performance and capability.
1. Employee Development: Based upon program or department needs and Program Manager recommendation employees may be granted an opportunity to attend workshops, seminars, classes, and other training sessions related to specific job requirements.
 2. Accelerated or Extended Training: Based upon priorities approved by the Governing Board and the CEO and recommendations by Program Managers, employees may be granted leave, for a pre specified time period, with pay to attend an accredited institution or recognized training facility in order to acquire specific job related knowledge and capabilities that will benefit and enhance overall Tribal management and technical development. All accelerated or extended training opportunities shall be conducted in accordance with a written contract. (See Educational Leave, Chapter 10).
- B. Executive Management Training: The purpose of the Tribal Executive Management Training Program is to provide training and other opportunities to Program Managers in the areas relating to the executive management and functions of the Hoopa Tribal Government. To the greatest extent possible, Program Managers participating in the Tribal Executive Management Training programs will be provided opportunities to work in areas involving the legislative, judicial and administrative functions of the Tribe. Executive Training positions will be no longer than one (1) year. The manager will be guaranteed that the Program Manager position will be available after completing the Executive Management Training Program. Once appointed in a position under the Executive Management Training Program, the manager will be evaluated based on the performance standards established for that position. The Council may provide funds for this program in the Tribal budget.
- C. Responsibility for Delivery of Training: The Human Resource Department is responsible for all training programs involving persons from more than one department and maintaining the training records/certifications. Individual Program Managers will be responsible for training that affects only

members of their individual department and shall forward copies of training records/certifications to the Human Resource Department for placement in their employee personnel files. Each manager will submit a written plan for growth and development of their staff and their department as a whole to the CEO annually. These plans will be utilized as part of the annual staff and manager evaluation process. The CEO shall develop an overall written plan for medical center.

- D. **Training Categories:** The following categories of training are established to meet the objectives of the training program:
1. **Job-related Training:** This category includes training to provide skills or knowledge not usually available in the labor market. Included is training:
 - To meet requirements of K'ima:w Medical Center programs.
 - To improve proficiency in one's present position.
 - To improve performance of one's present job in terms of administrative procedure and inter-departmental coordination.
 2. **Employee Development Training:** This category includes training to improve general knowledge and skill useful in a wide range of positions in K'ima:w Medical Center. Included is training:
 - In basic skills (written secretarial skills, language, and mathematics).
 - To prepare for future positions in the K'ima:w Medical Center structure (professional development activities, technical and vocational training).
- E. **Identification of Training Needs:** All training activities will be scheduled in response to needs identified by employees and Program Managers in individual development plans completed during the time of the annual performance appraisal.
- F. **Budgeting for Training:** The Tribal Council will appropriate budget amounts to support Tribal training. The Governing Board will appropriate budget amounts to support K'ima:w Medical Center training. All training will be subject to availability of funds.
- G. **Evaluation of Training:** Employees attending training courses shall complete an evaluation form to determine if the training met Tribal/KMC objectives. These forms shall be forward to and assessed by the person responsible for the delivery of the training as identified in number 3 above.

7.3 Continuing Education for Professional and Semi-Professional Employees

Each Department Manager is responsible to see that their professional and semi-professional, staff receive continuing education. Departments will be allocated a share of the annual funds budgeted for continuing education. These shares will be based on the number of professional and semiprofessional personnel assigned to each department. When budgeted funds are exhausted, no further requests for continuing education will be granted in the current fiscal year without special approval by the Governing Board. This section is designed to help professional staff maintain their licensing requirements.

- A. Department Managers will be responsible for recommending expenditure of continuing education funds and rescheduling the work load. The first obligation of all employees is to the business of the Medical Center and to the patients. Patient care is not to be neglected because of professional leave. Department Managers will rotate professional leave among personnel as much as is feasible.

- B. The Chief Executive Officer may waive any or all professional leave requirements in the case of projects or departments having only one or two employees.
- C. Continuing education leave shall not exceed ten (10) working days per year, except that consideration will be given to continuing education courses of short duration (one day or less).
- D. It is a responsibility of all employees attending professional courses or meeting at the expense of the medical center to conduct themselves in an exemplary manner at all times. The employee shall disseminate pertinent information to other staff members regarding instructional material covered.

7.4 Employee Counseling

K'ima:w Medical Center assists employees with counseling and referral services that will help in solving personal problems, both on and off the job, and career planning.

- A. The K'ima:w Medical Center recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal problems are encouraged to seek assistance from their supervisor, the Human Resources Department or from the Human Services Department.
- B. Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.
- C. Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
 - 1. If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the Human Services Department. The Human Services Department's staff will discuss the problem with the employee and arrange for the counseling or other services that seem appropriate.
 - 2. If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the grievance Procedure.
- D. Employees needing extended treatment may request a leave of absence in accordance with the K'ima:w Medical Center's leave policy.
- E. The Human Resources Department will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, outplacement, and retirement planning.
- F. Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. In certain circumstances, however, the K'ima:w Medical Center may require an employee to participate in counseling as a condition of continued employment.

- G. Communications between employees, supervisors, the Human Resources Department, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of K'ima:w Medical Center property. (See attached Memorandum of Agreement with Tribal Human Services.)

7.5 Employee Recognition and Service Awards

K'ima:w Medical Center recognizes employee contributions and service to the Medical Center by presenting employee recognition and service awards to eligible employees according to the guidelines below.

- A. All employees are eligible to receive a service award upon completion of five years of service and at the end of every additional five years of continual service.
- B. KMC may reward outstanding performance and productivity by presenting recognition awards to eligible employees. The Human Resources Department along with an established Incentives Committee (made up of employees) will be responsible for setting eligibility requirements and implementing the different programs. Department managers, supervisors and employees may assist in determining award recipients.
- C. In most cases, employee recognition awards will be presented as soon as possible following the determination of award recipients. The service award generally will be presented during staff wide meetings or annual staff events.
- D. The Human Resources Department is responsible for identifying the employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.

CHAPTER 8 HOLIDAYS

Section 8.1 Holidays

A. The following holidays are recognized as paid holiday by KMC:

New Year's Day	Labor Day
President's Day	Day of the Boat Dance
Memorial Day	Indian Day (last Friday in Sept.)
Independence Day	Veteran's Day
Sovereign Day	Thanksgiving Day
Friday after Thanksgiving	Christmas Day

- B. All employees hired in a regular status are entitled to receive holiday pay for the holidays celebrated by K'ima:w Medical Center.
- C. After three (3) years of service, regular employees will be eligible for one floating holiday each year. The floating holiday may be added to vacation time.
- D. Holidays falling on Saturday shall be observed on the Friday preceding. Those falling on Sunday shall be observed the following Monday.
- E. Regular part-time employees will receive holiday pay on a pro-rata basis. Full time EMS employees shall receive 13 hours of holiday pay.
- F. Employees wishing to observe religious holidays (that are not included in KMC's regular holiday schedule) or participate in religious ceremonies during normal working hours may use accumulated days of paid absence or "floating" holidays for these occasions, or they may take the time off as an unpaid, excused absence. Accordingly, employees who would like to take a day off for those reasons may do so if it will not unduly disrupt patient care and if the employee's supervisor approves.
- G. If a regular employee is not scheduled to work on the holiday, the holiday will be carried as a floating holiday to be taken at a later time within that pay period.
- H. To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid sick leave. If an employee is absent on one or both of these days because of an illness or injury, KMC may require verification of the reason for the absence before approving holiday pay

CHAPTER 9 SECURITY AND SAFETY

Section 9.1 Employee Safety

Safety guidelines at K'ima:w Medical Center includes, but is not limited to, practices for general safety; eye, head and foot protection; materials storage and handling; machinery operation, and fire protection and control.

A. General Safety

1. Work areas should be kept neat and orderly; spills and breakage on floors and stairs should be cleaned/picked up immediately.
2. Desk, cabinet and file doors/drawers must not be left open unattended. Only one file drawer should be opened at a time to prevent cabinets from overturning.
3. Defective equipment or unsafe conditions (e.g., worn electrical cords, broken chairs, etc.) should be reported to immediate supervisor.
4. Cords, chairs, boxes, wastebaskets, etc. must not be left in aisle ways or in locations where they might create a tripping hazard.
5. Smoking is not allowed.
6. Employees should refrain from running in hallways, aisles or up/down stairs.
7. Handrails should be used when ascending or descending stairs.
8. Horseplay of any kind is forbidden.
9. Employees are not to operate equipment with which they are unfamiliar or to which they are not assigned except under direct supervision.
10. Only ladders or self-locking step-stools are to be used for access to high shelves and files. Employees should never climb on chairs, boxes or file cabinets.
11. All employees should know the location of fire fighting and emergency equipment and should know how to operate them.
12. Employees needing First Aid should report to their supervisor and then to the urgent care clinic.
13. Emergency evacuation plans should be prepared for each site location and routine practice drills held at least twice per year.
14. All accidents, hazardous conditions and hazardous actions of other employees or members should be reported by employees to their supervisor/manager immediately.

B. Eye, Head, and Foot Protection

1. Safety glasses should be worn when the task being performed might result in eye injury or breakage of regular eyeglasses.
2. Approved head protection (hard hat) is to be worn whenever an employee is working in or visiting areas where there is a reasonable danger of being struck by falling objects or areas where there is a probability of striking the head against objects.
3. Shoes suitable to the type of work being performed must be worn at all times, and industrial safety shoes are required where there is a potential hazard to the feet.

C. Handling/Storage of Materials

1. When heavy objects are being lifted, the back should be kept as straight as possible with the knees bent to allow the leg muscles to do the work. This practice minimizes back strain.
2. Employees should not attempt to lift heavy objects alone - the load should be divided or help should be obtained.
3. Work gloves should be worn when handling rough or hazardous materials.
4. When materials are being moved on the floor, it is safer to PUSH the object rather than to pull it.
5. Employees should not stand under objects suspended by ropes, chains or cables.
6. Rubbish and flammable materials should not be allowed to accumulate.
7. Chemicals should be stored as directed by the manufacturer and stacked neatly out of employees' way. If chemicals are flammable, they should be stored in metal containers in a closet area protected by a door.
8. Chemical splashes handled immediately as specified by the MSDS for that material.

D. Machinery Tools

1. Operators should be familiar with the safe operation of any machinery they use.
2. Machines should not be left running while unattended.
3. Loose clothing and long neckties should not be worn by employees working around or passing near moving machinery.
4. All machinery should be stopped before performing repairs, cleaning or clearing the machine.
5. Tools and equipment should be used ONLY for the purpose for which it was designed.
6. Equipment should not be left anywhere it might present a hazard.
7. Pointed and edged equipment should be properly treated and should not be carried in pockets unless the point or edge is completely protected.

E. Fire Prevention Procedures

1. Smoking is not allowed in any KMC facility.
2. Exits - all exits should be clearly marked as such and they must be kept unlocked during business hours. These doors MUST OPEN WITH THE FLOW OF TRAFFIC. All exit ways should be well lighted and must REMAIN FREE OF OBSTRUCTIONS.
3. Combustible wastes - all combustible wastes should be placed in metal containers with tight-fitting covers.
4. Flammable liquids - alcohol, acetone, benzene and ether - should be stored in metal containers and maintained in one safe storage room with a door - no smoking, open flame, or sparking device should be allowed near these liquids.
5. Electrical hazards - frayed, broken or over-heated extension cords or otherwise defective equipment should be noted and corrected immediately. Light switches or other electrical equipment should not be operated when a part of the body is in contact with metal fixtures or is in water. Rags and trash should not be allowed to come into contact with light bulbs or other sources of heat which might cause them to ignite.
6. Fire doors (all doors in or on a corridor) - should be utilized to isolate or protect one section of the building to provide protection to other areas. These doors should remain properly closed to prevent fire from spreading unless they are held open by an electric release.
7. Fire protection equipment - should be INSPECTED MONTHLY to ensure effective operation. The sprinkler system should be inspected monthly and tested according to local codes or directives. Communication systems should be tested regularly to ensure proper operation.

F. Administration

It is the responsibility of each supervisor/manager to develop, maintain and administer a safety program, in accordance with K'ima:w Medical Center safety policies and procedures, in his/her department, and to train and educate their employees in the understanding and execution of all safety rules and regulations.

It is the responsibility of all employees to become familiar with safety rules and regulation, and to adhere strictly to them. Violation of safety guidelines on which an employee has been informed makes the employee subject to counseling and disciplinary action, just as for the violation of any other policy. The severity of the disciplinary action depends on:

- The extent of danger caused by the violation.
- Whether the violation was intentional.
- Whether the violator is a chronic offender.

As with all K'ima:w Medical Center disciplinary processes, the supervisor/manager should begin by having positive discussions and counseling sessions with individual violators. In the event positive efforts have no apparent effect, chronic and unresponsive violators are subject to additional disciplinary action including oral reprimands, documented reprimands, and discharge. At the same time, however, should an employee commit a severe violation, he/she is subject to immediate discharge.

Supervisors should review individual cases of chronic safety regulation violators with the CEO to obtain an overall appreciation for precedent and to ensure consistency of approach.

9.2 Protection of Health Care Workers

Recognizing the threat to the health care worker (HCW) from exposure to blood borne pathogens [the Hepatitis B Virus (HBV) and the Human Immunodeficiency Virus (HIV)], this facility shall follow specific guidelines to minimize health care worker exposure to blood borne pathogens by establishing formal procedures to ensure that Category 1 and 2 tasks (as outlined in the Infection Control Policies and Procedures) are properly identified, that standard operating procedures (SOPs) are developed, and employees who perform these tasks have access to these SOPs and are adequately trained and protected.

Work practices have been developed on the assumption that all blood, tissues, body fluids containing visible blood or other body fluids to which Standard Precautions apply are infectious, and include supervision for safe collection of fluids and tissues and for disposal in accordance with applicable regulations.

Work practices and SOPs provide guidance on specific and detailed procedures to follow in the event of spills or personal exposure to fluid or tissues, and precautions to be observed with sharp objects. Controls shall be used as the primary method to reduce worker exposure to harmful substances; and will use to the fullest extent feasible intrinsically safe substances, procedures, or devices (e.g., substitution of hazardous procedure or device with one that is less risky or harmful is an example). Isolation or containment of the hazard is an alternative technique (e.g., use of disposable puncture-resistant containers for used needles, blades, etc.).

- a. Every employee shall be oriented to Standard Precaution prior to performance of their duties, and on a regular basis thereafter.
- b. Every employee shall be required to use Standard Precaution whenever contact with blood or body fluids are anticipated.
- c. Any employee whose job description includes Category 1 or 2 tasks, must be familiar with the work practices program and SOP's for these tasks prior to performance of their duties.
- d. Use of appropriate protective measures will be required for every employee engaged in Category 1 tasks.
- e. Appropriate protective measures will be utilized by every employee engaged in Category 2 tasks.
- f. Any willful violation of Standard Precautions procedures will result in disciplinary action up to and including termination.
- g. Any employee who has mucous membrane or parenteral exposure to blood, body fluids containing visible blood or other body fluids to which Standard Precautions apply must report same.

9.3 Management of Health Care Worker

Management of Health Care Worker exposure to blood, body fluids containing visible blood, or other fluids to which Standard precautions apply, through Parenteral (e.g., needle stick or cut), mucous membrane (e.g., splash to eye or mouth) or cutaneous (Contact with large amounts of blood or prolonged contact with blood, especially when the exposed skin is chapped, abraded, or afflicted with dermatitis).

K'ima:w Medical Center's Infection Control Coordinator shall investigate any instance of known or suspected health care worker exposure to mucous membrane or parenteral exposures to blood, body fluids containing visible blood, or other fluids to which Standard Precautions apply; shall monitor for Hepatitis B Virus (HB) and/or AIDS (HIV) antibodies following same; and shall follow the most current established MMWR guidelines based on the results of testing. For procedures refer to Infection Control Policies.

9.4 OSHA Guidelines for Exposure to Infectious Disease

It is the policy of K'ima:w Medical Center to provide a safe and healthful work environment for all employees. Following guidelines published by the Occupational Health and Safety Administration (OSHA), and the Center for Disease Control (CDC), we strive to minimize the risk to employees of exposure to infectious disease. For Procedure refer to Infection Control Policy.

- a. All employees shall receive training for infection control procedures and methods of infection control.
- b. Employees exposed to any communicable disease shall report to the Infection Control Coordinator or Human Resource Director.

9.5 On the Job Injury/Illness and Workers' Compensation (Employee)

An industrial injury or illness is one which occurs during the course of and as a direct result of an employee's work or working conditions.

- A. All employee related injuries, accidents, illnesses, infections, and exposures to infectious diseases will be reported to the Supervisor, Infection Control, Fiscal, and to the Human Resource Department.
- B. All job-related accidents and illnesses must be immediately reported to the supervisor regardless of the severity. Employees suffering such injuries or illnesses should be referred immediately for medical treatment or evaluation, as needed, to the Emergency Room.
- C. Employees will be compensated at their regular rate of pay for time required for visiting a physician for treatment. If the employee is required to leave the job due to such an accident, he/she will be paid for the full number of hours in the scheduled shift for the day of the accident. Workers' compensation insurance benefits provide weekly income to employees after three days of disability those results from a job-connected injury or illness. If the employee is hospitalized, payments begin immediately. The first three days are covered under sick leave if employee is eligible. The employee may use annual leave if their sick leave is exhausted. It is the responsibility of all Administrators/Supervisors/Managers to ensure that a safe, healthful environment and safe working conditions exist within each department. Administration is responsible for OSHA and Workers' Compensation Administration.

D. ILLNESS

- 1. Employees noted to be ill while on duty should be referred to the Infection Control Nurse for evaluation.
- 2. Employee should not report to work if contagious or febrile (fever). In the event of an illness, the employee should notify his/her department when he/she will not be in due to illness, and identify the nature of the illness when calling in.
- 3. Employees who are off work for illness for three (3) consecutive work days must obtain a medical release from their physician before returning to work.
- 4. Any employee who shows symptoms of infectious disease will be removed from contact with patients and directed to see a physician for evaluation and possible treatment.
- 5. Employees with communicable diseases: Employee diagnosed as having a communicable disease shall not be permitted to work in K'ima:w Medical Center until such time as they have a release to resume work from their attending physician.
- 6. Employees exposed to communicable disease: Employees who have been exposed to communicable disease may be required to remain off duty until such time as the incubation period for that disease has passed and a determination is made that they have not contracted it.
- 7. Continuation of Wages: Employees who are requested by K'ima:w Medical Center to remain home until such time as an incubation period has passed shall be permitted to draw wages from their sick time.

E. INJURY

- 1. The employee must report all on-the-job accidents or illnesses at the time of the occurrence to the supervisor. If job-related injuries are suffered during working hours but off K'ima:w Medical Center property, he/she contact the supervisor as soon as possible after. The employee and the supervisor must complete an Incident Report Form within 24 hours.

2. The injured employee will follow the supervisor's instruction seeking medical care as directed and maintain contact with the supervisor to report on their condition and anticipated return to work. If placed on extended leave of absence, the employee will periodically provide the Human Resource Department with a doctor's statement verifying such a request.
3. The Supervisor will assist the employee in completing an Incident Report and forward all documents, including the Doctor's first report to Human Resource within 24 hours of the accident. Human Resource will forward appropriate copies to Workers' Compensation carrier.
4. If an injured employee is released by a physician to return to work but only under a "light duty" condition, K'ima:w Medical Center reserves the right to determine whether the employee may be allowed to work in a modified job. This decision will be based on the immediate needs of the department, the actual physical needs of the temporarily vacated position and the duration of the employee's prescribed disability.
5. K'ima:w Medical Center is in no way obligated to create a modified duty program for any employee injured on-the-job. Any decision to do so will be made on a case-by-case basis by the supervisor in conjunction with the Department Manager and the CEO.
6. It is the responsibility of the supervisor to complete the employee's attendance record noting any lost time due to industrial accidents along with a payroll adjustment form which indicates the compensation to be paid (employees injured during the work shift should be paid for the entire scheduled work shift).
7. It is important that the supervisor coordinate with an employee who is losing time from work periodically to determine their condition and the first available date at which they might be able to return to work.
8. The supervisor will also keep Human Resource aware of the employee's status and will not allow an injured employee to return to work without the proper physician's release statement. Employee reporting for work without the release should be referred to their physician.
9. When an employee is injured or becomes ill as a result of job activity, Human Resource will complete all appropriate Federally mandated forms and forward them along with the incident report to the Workers' Compensation carrier within the required amount of time. Records will be maintained in all industrial injuries and illnesses, and OSHA forms will be prepared for K'ima:w Medical Center. At the end of the calendar year (following 12/31) the OSHA-300 forms will be posted at the facilities as required by applicable laws.

F. RELATED POLICIES AND BENEFITS

1. Service Credit - Employees off work due to job-related illnesses or injury continue to accrue service credit based on normal service date with no interruption due to the absence for a period not to exceed 60 days.
2. Benefits - Employee's full benefit program is continued during the absence.

9.6 Accident Investigation Report

K'ima:w Medical Center carefully monitors any on-the-job injury or illness of an employee in order to advise K'ima:w Medical Center's Safety Officer-and Human Resource Director of any unsafe condition which could cause imminent harm or danger to K'ima:w Medical Center employees, patients or visitors.

9.7 Employee Assault and Battery

In order to provide a safe working environment for all K'ima:w Medical Center employee, it is imperative that any instance of assault and battery against an employee must be reported. For purposes of this policy:

- 1) Assault is defined as a threatening attempt and present ability to inflict an injury on a person. An assault requires more than threats and menace; there must be enough of a display of force to give the victim reason to fear harm.
 - 2) Battery is defined as an unlawful use of force or violence on another person a "touching" must have occurred.
- A. Any K'ima:w Medical Center employee or medical staff who has sustained an assault and/or battery while on duty must file a written report (assault form) within 2 hours of the incident.
 - B. The victim or the victim's supervisor, if the victim is unable, should complete the K'ima:w Medical Center Assault and Incident Report as soon as possible.
 - C. This report must be sent to the immediate Supervisor within 2 hours. The report will be forwarded to the Tribal Police Department within 72 hours.

9.8 Employee Property

- A. K'ima:w Medical Center will not assume liability or reimburse employees for personal property lost or damaged in the normal conduct of business including:
 1. Theft or damage to wearing apparel
 2. Theft or damage to jewelry
 3. Theft or damage to personal accessories
 4. Theft or damage to automobiles and vehicles
 5. Theft or loss of money
- B. Exceptions to this policy may be considered and approved by the Chief Executive Officer (CEO) under extenuating circumstances.

9.9 K'ima:w Medical Center Property

It is the policy of K'ima:w Medical Center to control the loss of K'ima:w Medical Center property and, when necessary, to take appropriate corrective and disciplinary actions as may be required (including the reporting of losses to local law enforcement agencies and the taking of appropriate legal actions) in dealing with those who remove such property without prior approval. K'ima:w Medical Center property includes any asset owned or leased by K'ima:w Medical Center. Assets can include but are not limited to: cash, office supplies, furniture and equipment.

9.10 Security

It is the policy of K'ima:w Medical Center to provide, to the best of its ability, appropriate and necessary measures to ensure employee protection and the security of K'ima:w Medical Center facilities and finances.

- A. Security includes the safety and security of K'ima:w Medical Center employees (in situations of emergency and threats, general operational safety and security), the security and protection of K'ima:w Medical Center property and facilities, and general security practices for visitors on the premises.
- B. Every supervisor and manager is responsible for the assurance of a safe and secure facility and operation.
 1. Facilities Security:
 - a. All keys to each facility will be numbered and a list of those numbers should be maintained on-site and updated each time there is a change.
 2. Security of K'ima:w Medical Center Property:
 - a. All records should be maintained and secured in a LOCKED, FIRE-PROOF AREA whenever possible. These records include, but are not limited to:
 - Employee Personnel records
 - Patient Medical Record
 - K'ima:w Medical Center financial records

None of these records are to be released physically or orally unless a court-issued subpoena can be presented by the requesting person. When such records are subpoenaed, the proper personnel must be notified (i.e., Human Resources, Medical Records, and Accounting).

- b. All equipment, supplies and furnishings are to be inventoried as required and reported to the Accounting Department.
 3. Personal Security
 - a. General employee safety and security is to be provided through adherence to Medical Center policies and procedures.
 - b. Security in situations of bomb threat or other emergency is to be provided through adherence to established policy and safety and evacuation procedures. (See Internal and External Disaster Plans)

9.11 Parking

KMC provides parking for the benefit and convenience of its employees, customers, and visitors.

- A. KMC will provide parking for employees. Special spaces are designated (front parking lots of all KMC facilities) for customers and visitors. Employees are permitted to park in the side parking lots or distant parking lots of all KMC facilities. Employees may not park in loading or handicapped areas.
- B. Employees are expected to observe the parking rules established by the Security Officer. In addition, the parking lot is considered part of KMC's premises; therefore, all KMC policies and rules apply to employees and their vehicles while on the lot. Employees found to be in patient areas may be towed away at their expense.

- C. Employees who use KMC's parking lot do so at their own risk. Employees are encouraged to lock their cars at all times when left in the parking facilities. KMC assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot.

9.12 Smoking or Other Tobacco Product

The Medical Center is committed to a philosophy of good health and a safe work place. In keeping with this philosophy, it is important that the work place and office environment reflect the Medical Center's concern for good health. Smoking or any tobacco product is therefore not permitted in any Medical Center facility however smoking is permitted in KMC designated areas.

CHAPTER 10 ABSENCE FROM WORK

Section 10.1 Attendance and Punctuality

K'ima:w Medical Center requires employees to report for work punctually and to work all scheduled hours and any required overtime.

- A. Supervisors will notify employees of their starting, ending, and break times. Employees are expected to carry out their duties during all scheduled work time and be ready to begin work at their scheduled start time.
- B. Employees should notify their supervisor as far in advance as possible when they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the Human Resource Department.
- C. Non-exempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. Employee's who report for work in a condition considered not fit for work, whether for illness or any other reason, shall not be allowed to work.
- D. Unauthorized or excessive absences or tardiness shall result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.
- E. Employees who are absent from work for three consecutive days without giving proper notice to their supervisor will be considered as having voluntarily quit. At that time, Human Resources will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

10.2 Leaves of Absence

A leave of absence is any authorized absence, with or without pay, during regularly scheduled working hours. Requests for a leave of absence or any extension must be submitted in writing, and authorized thirty days in advance by the employee's department manager and CEO. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The department manager will forward the request to the Human Resources Director. All employees on approved leave are expected to report to their Department Manager any change of status in their need for a leave or in their intention to return to work.

- Program Managers may grant leave of 30 days or less.
- Program Managers and CEO approve leave that exceeds 30 days but is less than 90 days.
- The Governing Board reserves the right to grant extended leaves of absences in excess of 90 days. Further employees who are off work due to extended sick leave in excess of six (6) months may be terminated at the discretion of the governing board.

Regular employees may request leaves of absence under certain circumstances. Employees will not receive compensation during a leave of absence except as stated below.

- A. KMC will utilize the Family Medical Leave Act (FMLA) provisions as a guide to allow employees leave for certain family and medical reasons. Employees who have been employed for at least 12 months, and have worked a minimum of 1,250 hours in the past year are eligible for up to twelve (12) weeks of unpaid leave during any 12-month period.
- B. Regular employees with one year or more of continuous employment with K'ima:w Medical Center may be granted a leave of absence without pay for personal reasons and those employees with two or more years of continuous employment may be granted an education leave. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by KMC. The following types of leaves will be considered:
 1. Medical Leave of Absence: Employees who are unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. KMC requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.
 2. Parental Leave of Absence: Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.
 3. Family Care Leave of Absence: Employees may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse, or parent who has a serious health condition. KMC requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.
 4. Personal Leave of Absence: Employees may be granted a leave of absence to attend to personal matters in cases in which KMC determines that an extended period of time away from the job will be in the best interests of the employee and KMC.
 5. Military Leave of Absence: A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States for a period of up to five years (not including certain involuntary extensions of service). An employee is eligible for military leave beginning the first day of employment. Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service promotions, and length of service pay increases, as required by applicable laws. Employees with one year or more of service will be eligible for pay during participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, KMC will pay the difference between what an employee earns from the government for military service and what the employee would have earned from normal straight-time pay on the job. This difference will be paid for up to two weeks in a calendar year.
 6. Educational Leave of Absence: Employees who want to continue their education in preparation for added responsibilities with KMC may be granted an educational leave of absence.

- C. Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military.
- D. Every employee on a medical leave or family care leave of absence will be required to use all accrued personal, vacation, and sick days while on leave. However, employees may not use paid leave if they are receiving compensation under KMC's disability or workers' compensation insurance programs. Every employee on a parental, personal, or educational leave of absence will be required to use all accrued personal and vacation days while on leave.
- E. KMC will provide health insurance and other benefits to employees on leave as required by applicable laws. Benefits that accrue according to length of service (such as paid vacation, holiday, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits unless otherwise specifically provided by the terms of the benefit plan document or policy.
- F. Employees returning from a medical leave must provide certification of their ability to perform the functions of their job. Employees returning from a military leave also must comply with all of the reinstatement will be reinstated to their same job or to an equivalent job with equivalent status and pay. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he had been actively employed at the time of the reduction in force.
- G. Employees who are unable to report for work because of arrest and incarceration may be placed on a special personal leave of absence. If the employee is placed on a leave of absence and is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is freed on bail, the employee's department manager, Human Resources Director, and CEO will decide whether active employment is appropriate pending final disposition of the charges.
- H. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

10.3 Educational Leave

Education leave is defined as leave granted to K'ima:w Medical Center employees for the purpose of attending an accredited institution of higher education or other recognized training facility for a period of thirty (30) days or more.

- A. Eligibility for Educational Leave with Pay: Eligibility for educational leave with pay shall be limited to employees enrolled in, or preparing to meet the entrance requirements for a planned academic program related to K'ima:w Medical Center. Educational leave shall be limited to full-time, employees who have been employed by the K'ima:w Medical Center for a period of at least two (2) years.
- B. Salary or Stipend: Requests for educational leave with pay shall detail salary request; costs of tuition, books and supplies, travel, housing, and other costs; grants, scholarships and stipends from any source for the period of leave.
- C. Contractual Arrangements: Employees who are granted educational leave with pay shall enter into a contractual agreement in which the applicant agrees to provide services in a manner determined by the

Board of Directors and the CEO for a period of obligated service equal to one year for each year of educational leave received or two years, whichever is greater.

- The Program Manager shall recommend and submit a proposed education plan and contract to the CEO and upon CEO's approval the CEO shall submit to Governing Board for approval.
 - An educational or training plan must be developed by the employee, Program Manager and CEO. The educational plan shall include an estimated completion date, required units per term, academic performance requirements, expected results and benefits, and anticipated job position to be obtained, a financial assessment which identifies the total and yearly projected costs and financial resources available to meet the employee's personal and educational expenses.
 - KMC and the Governing Board shall be entitled to recover an amount equal to the educational costs, including associated funds awarded, plus interest at 10% per annum from employees who fail to begin or complete the period of obligated service incurred under contract for any reason, other than those expressly waived by the Council. Failure of the employee to perform his/her obligations shall be considered a debt to K'ima:w Medical Center and the Hoopa Valley Tribe.
- D. Performance: The student must maintain full-time enrollment, or the number of units expressly agreed upon in the contractual agreement, until completion of the course of study for which the educational leave is provided.
- The student must maintain a Grade Point Average (GPA) of at least 2.0 while enrolled in the course of study for which the educational leave is provided.
 - The student must submit a class schedule prior to the beginning of each semester for review by the Program Manager and the Human Resource Department.
 - The student must submit grades at the end of each semester to the Program Manager and the Human Resource Department.
 - The student must serve one year of obligated service for each year the educational endowment is provided, or two years, whichever is greater, upon completion of course of study (this requirement may be waived by the Governing Board in the event there is no employment opportunity within K'ima:w Medical Center).

10.4 Sick Leave

Sick leave may be granted for illness, injury, disability, pregnancy or other medical purposes.

- A. Regular employees earn sick leave at a rate of one day per month (pro-rated for 26 pay periods). Part-time regular employees accrue sick leave on a pro-rated basis. On-Call and temporary employees are not entitled to sick leave benefits.
- B. Compensation during authorized absences will not be granted before days of paid absence have been accrued. In addition, authorized days off for sick leave will not be considered as working time for calculating weekly overtime compensation.
- C. Sick leave credit accrues from the date of hire, but shall not be granted during the employee's introductory period.

- D. Sick leave may be accrued on an unlimited basis. The Governing Board may elect to make payment of sick leave in excess of 320 hours when employee agrees to defer their payment to their 401 (K) Plan.
- E. Sick leave may only be used when an employee is ill/injured or a member of the employee's immediate family is ill, injured or dies. Immediate family is defined in Chapter 100.
- F. Payment of sick leave is dependent upon the employee notifying the immediate supervisor, one half hour prior to their scheduled time to report to work. Written certification from the health care provider of the ill or injured employee or family member verifying the need for leave is required if the absence exceeds 24 consecutive working hours.
- G. Employees returning from an absence of their own illness or injury of more than 24 consecutive working hours must report to their supervisor, and provide a medical certification that they are fit to return to work. The supervisor should make a record of the employee's absence and return to work and forward a copy to the Human Resource Department. When necessary, the supervisor should counsel the employee on the importance of good attendance and warn that excessive absences will lead to discipline, up to and including termination.
- H. Sick leave is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Excessive leave is defined as use of leave in excess of what KMC allows by policy.
- I. Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination and compensation for the absence will be stopped immediately.
- J. Upon termination of employment, no payment shall be made for accumulated sick leave.
- K. For use of Sick leave exceeding 24 working hours refer to leaves of absence.

10.5 Maternity Leave

- A. Employees shall be permitted to use accrued annual and sick leave for purposes relating to pregnancy or childbirth. Any additional time beyond the sick and/or annual leave balance will be counted as leave without pay.
- B. A combination of leave and leave without pay may be granted for a period of up to six months for maternity purposes.
- C. The employee is responsible for making known in advance his/her intention to request a leave of absence in writing for maternity purposes. Request shall include approximate dates and anticipated duration in order to allow the KMC time to prepare for any staffing adjustments which may be necessary.
- D. The employee's position may be filled on a temporary basis during the absence.
- E. The employee will have re-employment rights to the former position or a position of similar rank and pay.

10.6 Administrative Leave

Paid administrative leave may be granted at the discretion of the Tribal Chairman and shall be granted only for the time and day specified. However, it is understood that the medical clinic shall remain open for urgent care. Employees who are scheduled to work an urgent shift will be paid at their regular wage and will be allowed to accrue this time to be taken off at a later time.

10.7 Vacations

- A. All regular employees accrue annual leave from the date of employment, but no annual leave may be taken until the completion of the Introductory Period.
1. 0 - 3 years of service 8 hours per month
 2. 4 - 10 years of service 12 hours per month
 3. 11 - 15 years of service 14 hours per month
 4. 16 - 20 years of service 16 hours per month
 5. 21 or more years of service 20 hours per month
- B. Annual leave for part-time regular employees is accrued on a pro-rated basis.
- C. An authorized holiday falling within an employee's approved leave will not be counted as annual leave time. No allowance will be made for sickness or other compensable type of absence occurring during a scheduled vacation.
- D. Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Vacations are to be arranged at times that are most convenient for the K'ima:w Medical Center although the individual employee's preference will be given due consideration. However, Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels. When two or more employees desire the same leave time, and only one can be spared, the choice will be given to the senior employee. However, employees who want to change their plans after the vacation schedule has been set lose their seniority consideration.
- E. Employees on a leave of absence, other than a military leave of absence, are required to use all accrued paid vacation time as part of the leave. In addition, employees on a leave of absence will not accrue any new vacation time during the leave.
- F. Employees who are entitled to a vacation of two weeks or less may take their full vacation at one time. Those who are entitled to a vacation of more than two weeks normally may take only a maximum of two weeks consecutively, with the balance to be taken separately as full weeks or as individual days. Vacations of less than a full day generally will not be granted.
- G. The established vacation year is the calendar year, January 1 through December 31 each year. Annual leave maximum carryover per year is 160 hours. If the hours are in excess of the carry over amount, accrual of annual leave will cease until annual leave balance recedes to 160 hours or less at which time the accrual will again commence.

- H. An employee who terminates during the initial introductory period shall not be entitled to annual leave. Those employees who have completed their initial introductory period and are separated from employment, shall be entitled to payment for accrued annual leave. In no case shall payment be for more than the maximum accumulation. In case of death, compensation for accrued annual leave shall be paid in the same manner that salary due is paid.
- I. It is the policy of K'ima:w Medical Center that all employees take annual leave. It is the responsibility of Program Managers to require their personnel to take vacations during the year in which leave is earned. Payment of money in lieu of accrued leave will not be permitted.

10.8 Bereavement Leave

Employees eligible for employer sponsored benefits shall be granted bereavement leave with pay up to 40 hours in a 12 month period for death in the immediate family. All other employees shall be granted bereavement leave without pay. Immediate family is defined as spouse, son, daughter, father, mother, sister, brother, grandmother, grandfather, aunt, uncle, niece, nephew and the following in-laws: son, daughter, brother, sister, mother and father. Bereavement Leave may be granted to an employee by the CEO if the employee is the legal care provider for an individual not defined as immediate family.

10.9 Jury Duty/Job Related Subpoena

An employee shall be granted pay for jury duty. An employee called for such duty shall advise the Program Manager as soon as summoned. The employee shall receive the difference between his/her regular salary and the compensation received for the jury services not to exceed 8 hours per day. (The employee may retain any compensation paid for mileage.) The employee will continue to receive all benefits to which are entitled during the period he or she is on jury duty.

Subpoenas which are job related will be compensated. A K'ima:w Medical Center vehicle will be made available for transportation or mileage will be paid at the rate allowable.

10.10 Election Days

Primary and General Election Days will not be considered as holidays. Employees are expected to vote during non-working hours.

10.11 Rest Breaks/Meal Breaks

All employees who work an eight-hour shift are provided two 15-minute rest periods per shift, one in each four-hour period. Employees may not leave the work premises during the rest period. If an employee's supervisor approves, leaving the premises will be on the employee's own time. Employees must record time out when departing and record time back in upon return.

Employees are allowed a meal break near the middle of the workday. The break will be thirty or sixty minutes (defined by department). Supervisors are responsible for balancing work loads and meal breaks and should take into consideration the work load and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed. Employees required to work more than

ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.

Meal periods shall not be paid except when employees are actually called to work and the employee is unable to take the unused portion of the interrupted meal period at another time. During each meal period the employee is relieved from any base responsibilities, but remains on call for duty.

CHAPTER 11 PERSONAL CONDUCT

Section 11.1 Behavior of Employees

Certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the K'ima:w Medical Center, or is offensive to Clients or coworkers will not be tolerated.

- A. Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the organization. Appropriate employee conduct includes:
1. Treating all clients, visitors, and coworkers in a courteous manner;
 2. Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the organization's best interests;
 3. Reporting to management suspicious, unethical, or illegal conduct by coworkers, clients, or suppliers;
 4. Cooperating with K'ima:w Medical Center investigations;
 5. Complying with all K'ima:w Medical Center safety and security regulations;
 6. Wearing clothing appropriate for the work being performed;
 7. Performing assigned tasks efficiently and in accord with established quality standards;
 8. Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time;
 9. Giving proper advance notice whenever unable to work or report on time;
 10. Obey Smoking policy;
 11. Eating meals only during meal periods and only in designated eating areas;
 12. Maintaining cleanliness and order in the workplace and work areas.
- B. The following conduct is prohibited and individuals engaging in it will be subject to discipline, up to and including termination.
1. Possessing firearms or other weapons on K'ima:w Medical Center property;
 2. Fighting or assaulting a coworker or Client;
 3. Threatening or intimidating coworkers, security, or Clients;
 4. Disruptive conduct that intimidates others to the extent that quality and safety of patient care could be compromised.
 5. Engaging in any form of sexual or other harassment;
 6. Reporting to work under the influence of alcohol or illegal drugs or narcotics or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on Association premises;
 7. Disclosing trade secrets or confidential K'ima:w Medical Center information;
 8. Falsifying or altering any K'ima:w Medical Center record or report, such as an application for employment, a medical report, a production record, a time record, an expense account, an absentee report, or shipping and receiving records;
 9. Stealing, destroying, defacing, or misusing K'ima:w Medical Center property or another employee's or Client's property.
 10. Refusing to follow management's instructions concerning a job-related matter or insubordination;
 11. Failing to wear assigned safety equipment or failing to abide by safety rules and policies;

12. Smoking where prohibited by local ordinance or K'ima:w Medical Center rules;
13. Using profanity or abusive language;
14. Sleeping on the job without authorization;
15. Gambling on K'ima:w Medical Center property;
16. Playing pranks, practical jokes, or engaging in horseplay; and
17. Wearing improper attire or having an inappropriate personal appearance.

- C. The examples of impermissible behavior described in 2 above, are not intended to be an all-inclusive list. Any violation of K'ima:w Medical Center's policies or any conduct considered inappropriate or unsatisfactory may, at management's discretion, subject the employee to disciplinary action. Questions about this policy should be directed to the CEO.

11.2 Personal Appearance of Employees

It is the policy of K'ima:w Medical Center to maintain standards of dress and appearance for all employees in the interest of promoting safety and presenting a professional image to patients, visitors, and the community. This policy is to be in effect at all times employee is on duty.

- A. This dress code describes requirements for personal appearance while on duty:

1. Clothing in good repair and clean (not faded, torn or worn looking.)
2. Clothing is of appropriate size and fit, clothing may not be form fitting.
3. Over-all appearance is professional and understated.

- B. All employees are required to comply with the dress code for their position and department as specified below.

1. Exception - Specific departments may require more stringent guidelines for health/safety reasons, although at a minimum this policy must be executed.

- C. Compliance

1. Professionalism is valued by K'ima:w Medical Center and is conveyed by appearance as well as standard of care. It is the employee's responsibility to provide an appropriate environment for patients, families, and visitors by complying with this policy.
2. It is the responsibility of the Department Director to maintain compliance in his or her department. If the employee's supervisor determines that the employee is not following the requirements set forth in this policy, the employee will be asked to return home until such time as he or she is in compliance. Under such circumstances, the employee will not be paid for time lost.
3. The progressive discipline program will be followed which could ultimately result in termination for noncompliance.
4. Compliance is mandatory for all employees representing K'ima:w Medical Center, including off site facilities.

11.3 Employees in Non Uniformed Areas

- A. Clothing:

1. Dress and skirt lengths are to be no shorter than two inches above the top of the knee. Skirts or dresses should not be so tight that the employee has difficulty moving rapidly, climbing stairs, or bending over.
2. Pants should be neat and clean with no holes or tears in the knees. Dress Shorts which do not exceed two (2) inches above the top of the knee and which allow the fabric to freely move over the body are permitted.
3. Tops are to have modest necklines. They may not be sheer see-through fabric.
4. T-shirts and knit shirts with collars and front openings (i.e. Polo shirts) are permitted.
5. Shoes are clean, supportive and in good repair. All shoelaces must be tied.
6. Specific departments may require lab jackets to be worn while the employee is in a patient care area, however, this may be removed when not on the nursing floor.
7. Hats/caps may be worn in specific areas when pre-approved by the CEO and necessary for the job.

B. Accessories:

1. Undergarments must be worn and must be unobtrusive.
2. Jewelry is simple and understated. Earrings must be a reasonable size.

C. Grooming:

1. Perfumes, colognes and aftershave or other scents must be delicate and unobtrusive. Offensive body odor is not acceptable. Fingernails are clean and well manicured, and kept at an appropriate length to maintain adequate hygiene. If the position requires patient care, artificial nails, perfumes, colognes, and aftershave are not permitted.
2. Makeup must be simple and tasteful.
3. Hair and beards are clean and well groomed. Hair accessories are simple and color-coordinated.

D. Name Badges:

1. All employees of K'ima:w Medical Center must wear name tags at all times when on duty including students, interns and resident. This name tag shall include name and vocational classification at a minimum. Personal name badges or name badges from other facilities are not permitted. The name badge may not be defaced in any way. The name badge may be decorated with the K'ima:w Medical Center employee recognition pin and one other pin for professional achievement (i.e. CCRN, CRRN) pins only. No other form of decoration (i.e. stickers, decals, photos other than that provided by K'ima:w Medical Center.) If the employee does not have a recognition pin or professional achievement pin, nothing may be placed on the name badge.
2. Employees who lose or damage their name badge have three scheduled working days to report the loss to Human Resource so that a replacement can be made.
3. Failure to wear an employee tag is grounds for disciplinary action.

11.4 Employees in Uniformed Areas (All employees who have direct patient contact or potential exposure to hazardous materials.)

- A. Uniform Styles: Nursing uniforms or scrubs must be worn in nursing areas. Street clothes are not permissible as a "uniform". Colors may be worn if they are coordinated and neither loud nor garish. Pants, skirts and non-uniform tops must be solid colors. Scrubs and uniform tops may be patterned.
1. Uniform dresses/ skirt length shall be no shorter than two (2) inches above the top of the knee.
 2. Pants should be uniform style with leg length at the top of the shoe.
 3. Uniform clothes/shorts may not be shorter than two (2) inches above the top of the knee.
 4. Freshly laundered uniform/Scrub style uniforms may be worn.
 5. Scrub suits that are mandated will be purchased by K'ima:w Medical for specific personnel.
 6. Mandatory scrubs are approved by the Program Manager prior to purchase. Scrub dresses and scrub pants may not be worn at the same time.
 7. Uniform jump suits may be worn if appropriately fitted.
 8. Tops must have modest necklines. Turtlenecks may be worn under another top, but may not be the primary uniform top. Solid colored polo shirts are acceptable.
 9. Sweaters are not allowed as a primary uniform top. Washable color-coordinated vests or cardigan sweaters are acceptable as cover-ups. Scrub jackets in colors must be coordinated with tops. Apron smocks may be worn if color-coordinated.
- B. Accessories:
1. Shoes must be clean, supportive, and in good repair. For safety reasons, no open-toed shoes, sandals or backless shoes may be worn. Clogs must be worn with the back strap on the back and in place.
 2. Bare legs are not acceptable. Stockings must be worn with uniform skirts or dress. Socks or stockings must be worn with pants.
 3. Undergarments must be worn and unobtrusive. They should not be visible through the outer garments.
 4. Jewelry must be simple and understated. Basic watch, no more than two rings total for both hands, earring studs or no longer than 1" in length. Earrings may only be worn in the ear lobes.
 5. All nursing personnel are to have or wear the following items daily: stethoscope, bandage scissors, hemostat, and keys to the carts, suture, and par room.
- C. Grooming
1. Makeup must be simple and understated.
 2. Hair and beards must be clean and well groomed. Hair extending below the collar line must be secured in such a manner that it will not interfere with work. Hair accessories are simple and color-coordinated.
 3. Artificial nails, colored nail polish, Perfumes, colognes, hand lotion, hair spray or aftershave are not permitted to be worn. Fingernails must be clean and well manicured, and kept at no longer than 1/4 inch beyond the tip of the finger to maintain adequate hygiene.
- D. Name Badges: All employees of K'ima:w Medical Center must wear name tags at all times when on duty including students, interns and resident. This name tag shall include name and vocational classification at a minimum. Personal name badges or name badges from other facilities are not permitted. The name badge may not be defaced in any way. The name badge may be decorated with the K'ima:w Medical Center employee recognition pin and one other pin for professional achievement

(i.e. CCRN, CRRN) pins only. No other form of decoration (i.e. stickers, decals, photos other than that provided by K'ima:w Medical Center.) If the employee does not have a recognition pin or professional achievement pin, nothing may be placed on the name badge. If the name badge is lost or damaged, the employee has three working days to report to Human Resource for a replacement. Failure to wear an employee name badge is grounds for disciplinary action.

11.5 Client Relations

All Employees of K'ima:w Medical Center is to be client and service oriented and is required to treat clients in a courteous and respectful manner at all times.

- A. Our clients provide the primary source of K'ima:w Medical Center's income and each employee's job security. To promote excellent relations with our clients, all employees must represent K'ima:w Medical Center in a positive manner and make clients feel appreciated when dealing with K'ima:w Medical Center.
- B. Employees with client contact are expected to know K'ima:w Medical Center's services and to understand what clients need and want. These employees should educate clients about the use of K'ima:w Medical Center's services.
- C. Employees are encouraged to report recurring client-related problems to their supervisors and to make suggestions for changes in K'ima:w Medical Center policies or operating procedures to solve problems.
- D. Employees should be prepared to listen carefully to client complaints and deal with them in a helpful, professional manner. If a controversy arises, the employee should explain K'ima:w Medical Center policy respectfully and clearly. Clients who become unreasonable, abusive, or harassing should be referred to the employee's supervisor if the employee cannot resolve the problem.
- E. Employees should be polite and thoughtful when using the telephone. A positive telephone contact with a client can enhance client relations, while a negative experience can destroy a valuable relationship.

11.6 Use of Communication Systems

It is the policy of the K'ima:w Medical Center to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.

- A. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the organization for both internal and external business.
- B. Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.
- C. All K'ima:w Medical Center communications services and equipment, including the messages transmitted or stored by them, are the sole property of the organization. K'ima:w Medical Center may

access and monitor employee communications and files as it considers appropriate. Communications equipment and services include mail, electronic mail ("e-mail"), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, computer files, telex systems, video equipment and tapes, tape recorders and recording, pagers, cellular phones, and bulletin boards. Employees whose communications may be monitored generally will be asked to sign a consent form authorizing the monitoring.

- D. On-line services and the internet may be accessed only by employees specifically authorized by K'ima:w Medical Center.
- E. Authorized employees must disclose all internet passwords to K'ima:w Medical Center and their supervisors, but must not share the passwords with other employees. Employees' on-line use should be limited to work-related activities. In addition, employees should not duplicate or download any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property. When appropriate Internet material is downloaded, it should be scanned using the organization's antivirus software.
- F. Employees should not use K'ima:w Medical Center communications services and equipment for personal purposes except in emergencies or when extenuating circumstances warrant it. When personal use is unavoidable, employees must properly log any user charges and reimburse the organization for them. However, whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account. K'ima:w Medical Center communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor.
- G. Employees who do not have direct access to a K'ima:w Medical Center telephone should make provision to have emergency or other necessary incoming calls routed to their supervisor or to the Human Resource Department, if the supervisor is not accessible. Although K'ima:w Medical Center will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
- H. Employees should ensure that no personal correspondence appears to be an official communication of the organization since employees may be perceived as representatives of K'ima:w Medical Center and, therefore, damage or create liability for K'ima:w Medical Center. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and work-related. Employees may not use K'ima:w Medical Center's address for receiving personal mail or use K'ima:w Medical Center stationery or postage for personal letters. In addition, personalized K'ima:w Medical Center stationery and business cards may be issued only by K'ima:w Medical Center.
- I. Improper use of K'ima:w Medical Center communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as describe in this policy as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

11.7 Confidential Nature of K'ima:w Medical Center Affairs

It is the policy of the Medical Center that the internal business affairs of the Medical Center (particularly confidential information¹) represent proprietary assets that each employee has a continuing obligation to protect.

- A. Information designated as confidential is to be discussed with no one outside the Medical Center and only discussed within the Medical Center on a "need to know" basis. In addition, employees have a responsibility to avoid disclosure of non-confidential internal information about the Medical Center, its patients, and other related business. This responsibility is not intended to impede normal business communications and relationships, but is intended to alert employees to their obligation to use discretion to safeguard internal Medical Center affairs.
- B. Employees authorized to have access to confidential information are required to sign special non-disclosure agreements and must treat the information as proprietary Medical Center property for which they are personally responsible. Employees are prohibited from attempting to obtain confidential information for which they are not authorized to access. Employees violating this policy will be subject to discipline, up to and including termination and may also be subject to legal action.
- C. The Chief Executive Officer is responsible for coordinating the security and control of Medical Center information. Supervisors and Department Managers are responsible for identifying information that should be classified as confidential and should work closely with the CEO to develop procedures to secure and control the information. Once information has been designated as confidential, it should be clearly identified as such and properly secured. A list of employees authorized to have access to the information will be prepared, and all access shall be documented by maintaining a log.
- D. All media inquiries and other inquiries of a general nature should be referred to the CEO, and all press releases, publications, speeches, or other official declarations must be approved in advance by the CEO. Inquiries seeking information concerning current or former employees should be referred to Human Resource. Employees who have access to confidential or personal information which includes but is not limited to patient files, personnel files, employee salaries, must not disclose such information to another employee, or to any other person outside the Medical Center. Failure to comply may result in immediate termination. All employees must sign the K'ima:w Medical Center patient/client confidentiality statement.

11.8 Privacy Act

To assure protection of unauthorized release of K'ima:w Medical Center patient/client records, Privacy Act Procedures issued by the IHS Privacy Act Coordinator in September, 1986, shall be adhered to.

11.9 Drugs, Narcotics, and Alcohol

K'ima:w Medical Center maintains a strong commitment to provide a safe, efficient, and productive work environment. In keeping with this commitment, K'ima:w Medical Center complies with the Hoopa Valley

¹ *i.e., Medical Records, Personnel files, Financial Information, Inter-Departmental memorandums/letters, and conversations.*

Tribal Alcohol and Drug Policies to ensure that employees perform their duties safely, efficiently, and in a manner that protects their interests as well as those of their co-workers and our clients.

11.10 Disciplinary Procedure

- A. All employees are expected to comply with KMC's standards of behavior and performance and that any noncompliance with these standards must be corrected. Under normal circumstances, KMC endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit.

- B. The normal application of progressive discipline should be:
 - 1. If an employee is not meeting KMC standards of behavior or performance, the employee's supervisor should take the following action:
 - a) Within 5 days of the action meet with the employee to discuss the matter;
 - b) Inform the employee of the nature of the problem and the action necessary to correct it; and
 - c) Prepare a conduct or verbal warning for documentation and placement in the employee's personnel file indicating that the meeting has taken place.

 - 2. If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following action:
 - a) Issue a written reprimand to the employee, which shall include: the charge; the specific behavior, the dates of behavior (where appropriate) that support the charge and the type of disciplinary action being taken against the employee
 - b) Warn the employee that a third incident will result in more severe disciplinary action which could include termination and advise the employee of their right to an appeal of the disciplinary action; and
 - c) Forward to the Human Resource Department a copy of the written disciplinary action notice and a summarization the action taken during the meeting with the employee. This information will be included in the employee's personnel file.

- C. If there are additional occurrences, the supervisor should take the following action, depending on the severity of the conduct:
 - 1. Issue a written reprimand or warning;
 - 2. Place employee on Disciplinary Probation: Disciplinary probation is when an employee is placed in probationary status pending further review of job performance. The notice will explain the reasons for the probationary period, the duration, the standards for judging the employee's improvements and the action to be taken if the deficiencies are not corrected within the probationary period. A copy of the personnel action is placed in the employee's personnel file. In no instance shall disciplinary probation be more than 90 days.
 - 3. Suspension employee With/Without Pay: Suspension with pay will only be allowed in cases of pending investigation and while waiting to be assessed or waiting for results of a for cause drug test. The Department Director may suspend an employee without pay for up to, but not exceeding,

30 calendar days. On or before the effective date of the suspension, the supervisor will furnish the employee with a written statement setting forth reasons for the suspension, the effective dates of the suspension, and the date the employee is to return to work.

4. Demotion: Demotion is defined as when an employee is moved to a lower level of responsibility and compensation for disciplinary reasons.
5. Dismissal: Dismissal is when an employee is removed from employment for disciplinary reasons

After taking action under number 2) (c), above, the supervisor shall forward a copy of the reprimand and another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification to the Human Resource Department.

- D. The progressive disciplinary procedures described in Number 2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- E. In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in Number 2), above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee. An investigation of the incidents leading up to the suspension should be conducted by the Human Resource Department to determine what further action, if any, should be taken. Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.
- F. The Human Resource Department shall review and obtain approval, from the CEO or his designee, for all recommendations for termination before any final action is taken.
- G. At an investigatory interview conducted for the purpose of determining the facts involved in any suspected violation of KMC rules and regulations, the following procedures normally should apply:
 1. Before the interview, the employee who is suspected of violating KMC rules and regulations should be told in general terms what the interview is about.
 2. The employee may request that a coworker or representative be present at the interview if it may lead to disciplinary action for that employee.
- H. Employees who believe that they have been disciplined too severely or who question the reason for discipline are encouraged to use the grievance procedures outlined in chapter 12.
- I. If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. However, the KMC may still consider all past disciplinary actions in evaluating the employee.

11.11 Disciplinary Procedures MANAGERS

With the exception of alleged discrimination, this section will exclusively apply to disciplinary action against Program Managers and no other section to the contrary shall have any validity.

An evaluation of the manager's performance must have been completed within ninety (90) days prior to any disciplinary action. Program deficiencies will be identified during the evaluation or under a separate document and provided to the manager. Managers will be given a reasonable opportunity to develop and submit a performance plan that outlines the method in which the manager plans to overcome the deficiencies. The performance plan shall identify solution(s), time-frames and needed resources. Performance plans must be based on achievable and measurable factors and be based upon available resources of KMC and/or the Tribe. Failure by the manager to develop a performance plan or to perform in accordance with the performance plan once submitted will constitute cause for immediate disciplinary action against the manager, which may include termination or demotion. When necessary, the Program Manager is responsible for amending and/or updating the proposed or final performance plan within a reasonable time frame, or within the time as otherwise agreed. If the immediate supervisor does not specifically reject the performance plan within 30 days, the manager's plan will become the criteria for future evaluations.

11.12 Table of Penalties

The penalties listed below are guidelines only and are not intended to limit other appropriate action. These penalties need not be followed in the order indicated; also they are in addition to any which may be imposed by a court of law.

OFFENSE	1ST PENALTY	2ND PENALTY	3RD PENALTY
Unsatisfactory Job Performance	Corrective interview/written warning	Disciplinary Action	Dismissal
Neglect of Duty/Sleeping on the job	Disciplinary Action or Dismissal	Dismissal	
Excessive Absenteeism/Tardiness; abuse of policies	Corrective Interview/Written warning	Disciplinary Action	Dismissal
Insubordination; failure to carry out legitimate instructions or duties	Disciplinary Action or Dismissal	Dismissal	
Releasing confidential information without proper authorization	Disciplinary Action or Dismissal	Dismissal	
Vending, soliciting, or collecting contributions on employer time or premises without authorization	Corrective Interview/Written warning	Dismissal	
Reporting under the influence of alcohol or drugs	Refer to Alcohol & Drug Policy		
Consuming alcohol or drugs on the job.	Refer to Alcohol & Drug Policy		
Misconduct	Disciplinary Action or Dismissal	Dismissal	
Misconduct while on official travel, including non-attendance and credit card abuse	Repayment; Disciplinary Action or Dismissal	Dismissal	
Violation of safety regulations	Corrective Interview/Written warning	Disciplinary Action	Dismissal
Intentional falsification of information on employment application or falsification of personnel records, times sheets, or other records	Repayment, Disciplinary Action or Dismissal	Dismissal	
Medical Fraud: Submitting false bills or claims for service; falsifying medical records, prescriptions, or reports; lying about credentials or qualifications.	Dismissal; Prosecution		
Falsifying or counterfeiting expense claims	Repayment; Disciplinary Action or Dismissal	Dismissal	
Theft or unauthorized possession of tribal property	Dismissal; Prosecution		
Acceptance or solicitation of gifts of \$25; unless it's a promotion or company logo. Acceptance of bribes in official capacity.	Repayment; Forfeiture; Disciplinary Action or Dismissal	Dismissal	
AWOL 1-3 days	Disciplinary Action or Dismissal	Dismissal	
Harassment	Refer to Chapter 200		

CHAPTER 12 GRIEVANCE

Section 12.1 Grievance Procedure

Grievance rights are afforded to all non-introductory regular employees and managers. The person filing a grievance shall be free from restraint, coercion, discrimination, or reprisal. Employees will have an opportunity to present his/her view prior to the disciplinary action taken against them. A copy of the grievance procedure will be provided to any manager and employee whom the disciplinary action is taken.

12.2 Managers Grievance Procedure

Following a disciplinary action against a Program Manager, the Manager may submit to the immediate supervisor documentation why such disciplinary action should not have been taken. A copy of the Manager's documentation will be placed in the Manager's personnel file. If no action has been taken on an appeal by the immediate supervisor within ten (10) working days, the previous decision will be considered upheld. After the ten day period the Manager may appeal the issue to the next level. Tribal Court appeals of the matter can only be based on the procedures followed and on the merits of the decision.

12.3 Employee Grievance Procedure:

- A. An employee has the right to file a grievance if an employee feels that disciplinary action has been taken against him/her unjustly. Grievances may also be filed if he/she has been treated unfairly with respect to working conditions or terms of employment.
- B. Failure of the employee to proceed to the next step of the grievance procedure within the time period specified will constitute withdrawal of the grievance. Failure by management to render a decision within the allotted time at any step confirms the decision made by the Manager at the previous step, and the employee may then proceed to the next step.
- C. The employee must first discuss the disciplinary action or grievance with his/her immediate supervisor. If the problem cannot be resolved between the employee and supervisor, the employee may grieve in writing to successively higher levels of authority. Following the steps listed:
 1. Within ten (10) working days of the action taken against them, the employee will prepare a brief memorandum for his/her immediate supervisor summarizing the action or circumstances he/she is grieving, the specific reasons for the grievance, and the remedy sought.
 2. Within five (5) working days of receipt of written notice, the immediate supervisor shall give a decision or response to the employee in writing.
 3. If the grievance is not resolved to the employee's satisfaction, the employee may within five (5) working days submit the grievance to the CEO.
 4. The CEO shall investigate the grievance, confer individually with the employee and immediate supervisor (where applicable) in an attempt to resolve the grievance. A decision will be given in writing to the employee and the employee's immediate supervisor with five (5) working days after the formal grievance is filed.
 5. If the employee is not satisfied with the CEO's decision, the employee may appeal the decision within five (5) working days to the Governing Board. The Governing Board's decision is final.

CHAPTER 13 MISCELLANEOUS

Section 13.1 Personnel Records

Personnel records of all employees shall be maintained to meet applicable federal regulations.

- A. The record shall be retained for at least three years following termination of employment.
- B. The record shall include the employee's full name, Social Security number, the license or registration number, if any, brief resume of experience, employment classification, date of beginning employment and date of termination of employment at a minimum.
- C. Notification of Changes: Changes of address, telephone number and/or family status (birth, marriage, death, divorce, legal separation, etc.) must be reported immediately to the Human Resource department, as an employee's income tax status and group insurance may be affected by these changes. Changes on professional licenses, certificates and/or renewals must also be reported to the Human Resource department as required by specific Licensing Agency Requirements.
- D. File Access: Access to personnel files is restricted to authorized employees of the Human Resource department and supervisors, or managers on a "need to know" basis. Personnel files are the property of K'ima:w Medical Center, and may not be removed from the Human Resource department.
- E. Information Requests and Employment References: Requests for information from employee files received from other departments and inquiries from outside the organization, including requests for references on former employees, will be directed to the Human Resource Department. Supervisors and other employees are prohibited from providing personal or employment references on ex-employees or current employees. The Human Resources Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following:
 1. Employment dates;
 2. Position held; and
 3. Location of job site.
- F. Records of Hours and Dates of Employment: Records of hours and dates worked by all employees during at least the most recent six-month period shall be kept on file at K'ima:w Medical Center.

13.2 Business Related Expense Reimbursement

Business related expenses which are in compliance with the Hoopa Valley Tribe's Travel Ordinance and have been approved in advance by the employee's immediate supervisor will be reimbursed.

13.3 Suggestion Program

All employees are encouraged to submit suggestions to improve patient care or add to the efficiency of managing the Medical Center. Suggestions should be written and sent to the Chief Executive Officer. Suggestions will be discussed at staff meetings.

13.4 Patient's Complaints

Staff will be available for, and will reasonably respond to, patient complaints. If a patient is not satisfied with the response at any level in the organization, he or she will be referred to the appropriate higher level.

13.5 Religious Exercise and Religious Expression in the Workplace

K'ima:w Medical Center shall utilize the Federal Guidelines on Religious Exercise and Religious Expression in the Workplace as issued by the White House on August 14, 1997 as a guide for this policy. KMC shall permit personal religious expression by KMC employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency as described in the Federal Guidelines on Religious Exercise and Religious expression in the Workplace. KMC shall not discriminate against employees on the basis of religion, require religious participation or non-participation as a condition of employment, or permit religious harassment. KMC shall treat all employees with the same respect and consideration, regardless of their religion (or lack thereof). See Appendix for Federal Guidelines on Religious Exercise and Religious Expression in the Workplace as issued by the White House on August 14,