

The Native American Youth and Family Center



Personnel Policy

NAYA Family Center Mission Statement:

"...to enhance the diverse strengths of our youth and families in partnership with the community through cultural identity and education."

Adopted by the NAYA Family Center Board of Directors

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I. MANAGERIAL PHILOSOPHIES

A. *Mission Statement*

The mission of the Native American Youth and Family Center (NAYA Family Center) is "...to enhance the diverse strengths of our youth and families in partnership with the community through cultural identity and education."

B. *Purpose & Values*

The NAYA Family Center is a private, non-profit organization that was formed in 1974 and incorporated in 1994. The NAYA Family Center provides direct services to youth and their families through case management and educational, cultural, and sports programs; employment and housing programs; and domestic violence support services, advocacy, and family services programs.

The NAYA Family Center's Core Values, as determined by staff, students, elders and community members are the following:

- Respect
- Balance
- Pride
- Giving
- Community
- Tradition
- Kindness
- Accountability
- Diversity
- Leadership

C. *Policy Administration*

The NAYA Family Center's personnel policy is in place to define the relationships, methods, and standards necessary for the successful operation of the agency and a harmonious and productive relationship with staff. The NAYA Family Center's personnel policies are intended to serve as a guide for personnel behavior, as well as for the administration of employee relations and benefits. The policies will be implemented through procedures developed by the administrative staff to ensure compliance with the intentions of the NAYA Family Center's Board of Directors, as well as with the agency's legal responsibilities. The interpretation, scope, and applicability of any of the provisions contained in this personnel policy are exclusively within the NAYA Family Center's control and discretion. Subject to review by the NAYA Family Center Board of Directors, the Executive Director is responsible for the interpretation of all personnel policies.

The policy statements included in this document are a memorandum of current policies and should not be considered or interpreted as terms of an implied or expressed contract between the NAYA Family Center and its employees. The NAYA Family Center retains the right to terminate any employee, with or without notice and with or without cause, for any lawful reason.

In addition, employees must be aware that, while this personnel policy is intended to be consistent and comprehensive, it is impossible to cover all subjects, questions, and contingencies. It is likewise impossible to enumerate policies that will apply to every factual circumstance or that may continue unchanged indefinitely. The NAYA Family Center reserves the right to amend, modify, and/or revoke any of the policies, rules, or standards summarized in this personnel policy. The Board of Directors may also approve supplements and/or amendments to these policies at any time. These changes shall take effect immediately as to all employees, unless specifically exempted. Employees should not rely upon policies that have been superseded. Any changes made to these policies by the Executive Director, with the Board's approval, must be in writing. No supervisor or manager, other than the NAYA Family Center Executive Director with the approval of the Board of Directors, has the authority to alter these policies. Employees may submit recommendations for proposed policy changes, in writing, to the Executive Director.

Finally, several of the provisions in this personnel policy are based upon or mandated by various federal and state laws and regulations and are therefore subject to change from time to time to comply with changes in those laws or regulations.

D. Application of Policies

The terms "personnel," "employee," "staff," and "staff member" are used throughout this personnel policy to describe NAYA Family Center employees. When and if applicable, these terms shall also apply to volunteers, interns and independent contractors.

II. GENERAL EMPLOYMENT POLICIES

A. *Standards of Conduct*

The success of the NAYA Family Center depends upon the spirit and cooperation of its employees and their support for the mission, purpose, and values of the agency. It is expected that each employee will strive to:

- Show a commitment to the mission, purpose, and values of the NAYA Family Center;
- Follow established policies and procedures;
- Fulfill the requirements and expectations of their job;
- Arrive on time and attend work regularly;
- Demonstrate a professional attitude toward the work and the NAYA Family Center;
- Listen to instructions, ask questions to help promote understanding, and make constructive suggestions;
- Be cooperative, courteous, and respectful in all actions toward administration, co-workers, clients, the public, and other agencies or their representatives; and
- Demonstrate honesty, loyalty, and commitment to the integrity of the NAYA Family Center.

B. *Employment at Will*

The NAYA Family Center employs at will. This means that the agency may terminate any employee, with or without notice and with or without cause, for any lawful reason.

C. *Orientation, Development, and Promotion*

It is the policy of NAYA Family Center to provide each new employee with an informative and complete orientation. One purpose of this orientation is to acquaint new employees to the NAYA Family Center's overall operations, philosophy, and mission, and to the key role that they play in the ongoing success of the agency. In addition, a new employee's supervisor will provide the new employee with a thorough orientation to the agency and its programs, to the specific capacity in which he or she will work, and to the expectations and responsibilities of the position for which he or she has been hired. Each new employee will also be provided with adequate training on agency policies and procedures in order to function effectively in his or her position.

The NAYA Family Center seeks to promote professional development of employees. The overall objective of employee development is to enhance the quality of service to clients, while encouraging the retention of experienced employees. The accomplishment of this objective requires the NAYA Family

Center to provide all employees with clear definitions of their responsibilities and the performance expectations related to those responsibilities, as well as with appropriate supervision and training. An employee's direct supervisor is expected to help each employee develop his or her skills and abilities to his or her full potential. This is achieved through ongoing feedback that identifies the employee's strengths and weaknesses, and a mutually negotiated development or training plan.

The NAYA Family Center is committed to promotion from within. The NAYA Family Center will provide employees with notice of any new or vacant positions, and will give first consideration for such positions to qualified current employees of all classifications.

D. Open Door Policy

The NAYA Family Center values employees' constructive opinions and suggestions, and promotes open, two-way communication and an atmosphere of mutual trust. The NAYA Family Center believes in team effort and an open atmosphere, the agency encourages employees to meet and discuss suggestions, problems, or concerns with management.

III. HIRING POLICIES

A. *Equal Opportunity Employer / Non-Discrimination Policy*

It is the policy of the NAYA Family Center to employ the best-qualified personnel, on the basis of knowledge, skills, ability, experience, education, and training, in relation to the duties and responsibilities of the specific position for which a person is being considered. The NAYA Family Center is an equal opportunity employer and has a policy of non-discrimination in all of its employment and service delivery practices, including recruitment, hiring, compensation, benefits, staff development and training, promotion, termination, outreach, and referral. The NAYA Family Center will not discriminate against persons because of sex, race, color, religion, class, national origin, age, disability, marital status or family relationship, sexual orientation, or any other protected class, except in those instances necessitated by a bona fide occupational qualification or business necessity as permitted by law. The agency will make reasonable accommodations for persons with disabilities who are otherwise considered the most qualified for the position. The NAYA Family Center has developed specific recruiting, interviewing, and evaluation procedures to implement this Non-Discrimination Policy.

Discrimination or harassment on the basis of any protected status is an unlawful employment practice and will not be tolerated. Discrimination or harassment on the basis of a protected status in service delivery is also prohibited. Any employee who believes that he or she has been harassed or discriminated against by the NAYA Family Center or any NAYA Family Center employee is encouraged to follow the Grievance Policy as outlined in Chapter XI. All complaints of discrimination or harassment will be dealt with promptly and confidentially, except as necessary to investigate the allegation.

B. *Checks and Verifications*

It is the policy of the NAYA Family Center to check references, verify education and employment history, and conduct background checks, including a criminal records check and fingerprinting, of all new employees. The NAYA Family Center has determined that all employees may have direct, unsupervised contact with students and are therefore required to meet the agency's criminal records checks and fingerprinting requirements. "Direct, unsupervised contact with students," as defined by Oregon Administrative Rule, means contact with students that provides the person with opportunity and probability for personal communication or touch when not under direct supervision.

The checks and verifications required by the NAYA Family Center are intended to:

- Confirm an individual's suitability relative to the requirements of his or her employment;

- Enable the agency to decline to hire a person with a criminal conviction for a crime that is closely related to the position for which that person has applied or for which employment with the agency is prohibited by law;
- Protect the privacy of all persons who apply to the agency;
- Comply with state and federal laws and regulations, and;
- Protect the NAYA Family Center, its staff, and the youth and families its serves.

All applicants selected for a position with the NAYA Family Center must consent to and complete the required checks and verifications, and all offers of employment are contingent upon successful results. A refusal to consent to required checks, verifications, or fingerprinting, or providing a false statement on a NAYA Family Center employment application, contract, or ODE fingerprint form may result in a refusal to hire or immediate termination from employment or contract status.

C. Employment of Relatives

The NAYA Family Center does not prohibit the employment of relatives. However, NAYA Family Center employees may not directly supervise or be supervised by a member of the employee's immediate family. In addition, NAYA Family Center employees may not counsel or provide case management services to members of their immediate family as part of their job responsibilities with the NAYA Family Center. NAYA Family Center management is available to work with affected family members of the counseling or case management staff to locate alternative counseling or case management services.

For purposes of this personnel policy, "immediate family" includes parents, spouses or persons with whom the employee holds a substantially similar relationship, siblings, children, in-laws, aunts, uncles, nieces, nephews, cousins, and grandparents, and includes foster and adoptive relationships.

IV. PERSONNEL RECORDS

A. *Personnel Files*

An official personnel file will be established for each person employed by the NAYA Family Center.

Employees are responsible for ensuring that their personnel files contain the most current information, and are required to provide any changes of name, address, telephone number, emergency contact information, benefit information, or tax status, in writing, to their supervisors.

Each employee will be given a copy of all evaluations and any complaints or written disciplinary affecting the employee. A copy will also be placed in his or her personnel file. These documents shall be considered a permanent part of the employee's file and shall not be removed for any reason. Each employee may review his or her personnel file upon request, and may request a copy of all materials included in the file. An employee may also submit a written response to any materials placed in his or her personnel file, and may add other pertinent employment-related materials to his or her own file.

All personnel files are confidential and except as required by law or court order, are available only to the employee (or his or her written designee), the employee's supervisor, and other NAYA Family Center staff, as needed, to carry out their respective duties.

B. *References*

All outside inquiries for routine information concerning past and present employees of the NAYA Family Center must be referred to the Director of Operations and Finance. The Director of Operations and Finance will only verify routine personnel information, such as name, social security number, dates of employment, and position title provided by the inquirer. No additional information will be provided unless the past or present employee about whom the information is being requested provides written authorization for the release of information. However, it is the policy of the NAYA Family Center to respond to any reference inquiry regarding violence in the workplace.

V. EMPLOYMENT CLASSIFICATIONS

All classifications of employees are considered valuable assets to the NAYA Family Center and are expected to perform their duties and fulfill their responsibilities as outlined in this personnel policy.

Staff members who are hired by and paid for their services directly by NAYA Family Center are considered employees (excluding individuals hired as Independent Contractors). Staff members who are selected by NAYA Family Center, but either not paid for their services directly by NAYA Family Center, or who perform services without pay, are not considered employees.

A. Employee Classifications

Responsibilities, hours, and salary for employees will be agreed upon prior to employment. This information will be in writing, signed by the employee, and made a part of his or her personnel file.

All employees will be assigned to one or more of the following classifications.

1. Exempt and Non-Exempt Employees

Exempt employees are employees who are exempt from certain wage and hour laws (i.e., overtime pay). Employees who hold certain administrative, executive, or professional positions and who are paid on a salary basis may be classified as exempt. The NAYA Family Center will determine the classification of each position as exempt or non-exempt based upon the requirements of Oregon law and the federal Fair Labor Standards Act, their implementing regulations, and any other applicable laws and rules.

2. Regular Employees

Regular employees are those who are hired without a predetermined terminal point of employment and are eligible for benefits.

3. Temporary Employees

Temporary employees are hired for specific short-term tasks, with a predetermined terminal point of employment. Temporary employees may not exceed 1,000 compensated hours within one year of their date of hire (excluding NAYA Work Training Program Participants). Temporary employees are eligible for sick leave under the Portland Protected Sick Time Ordinance with the exception of temporary employees hired through a state or federally funded workforce training program, such as JOBS-Plus.

i. Workforce Interns

Employees participating in one of NAYA Family Center's work training programs (including paid interns, apprentices, or other workforce development programs) may only be classified as Temporary employees. However, they can work a maximum of twelve months and are not subject to the 1,000 hour limit

imposed on other Temporary employees. Additionally, employees participating in one of NAYA Family Center's work training programs are exempted from the Conflict of Interest policy barring employees from receiving services from NAYA Family Center.

ii. On-Call Employees

On-Call employees are those who are called to work as needed, often on short notice, although they can be scheduled to work for several days or weeks in a row. On-Call employees may only be classified as Temporary employees.

4. Supervisory Employees

A supervisory employee is an employee who is in charge of a department, division, program, or unit of the NAYA Family Center that requires overall direction, management, and who may supervise other NAYA Family Center employees or volunteers.

5. Full-Time Employees

Full-time employees are those who are employed on a full-time basis (forty hours per typical week).

6. Part-Time Employees

Part-time employees are those who are employed on a less than full-time basis (fewer than forty hours per typical week). Part-Time employees who typically work fewer than twenty hours per week are not eligible to be classified as Regular employees.

B. Non-Employee Classifications

All non-employees will be assigned to one of each of the following classifications. Non-employees are not eligible for benefits.

1. Volunteers

Volunteers who serve the NAYA Family Center without pay (i.e., AmeriCorps members and any other person(s) providing pro-bono services) are not employees and shall not be classified as temporary or regular employees as defined in this personnel policy. Volunteers will maintain a record of their time on a volunteer timesheet and/or other document required by their sponsoring organization. Volunteers are required to follow the standards for conduct set forth in this personnel policy, but are not entitled to benefits as outlined for employees.

2. Unpaid Interns

The NAYA Family Center serves as a site for internship experience to individuals pursuing a relevant trade or course of study, in exchange for academic credit or to gain entry-level experience. Unpaid Interns are required to follow the standards for conduct set forth in this personnel policy. Internships

shall have a predetermined terminal point as established by academic requirements. Unpaid interns receiving compensation for their services via an external partner are not considered employees of NAYA Family Center.

3. Independent Contractors

Any qualified individual may be hired on a personal services contract to perform specified duties or tasks not routinely required of paid employees or for which credentials or certification are not available among budgeted staff positions. Independent contractors shall be hired under separate agreements and are not employees of the NAYA Family Center. Independent Contractors are required to follow the standards for conduct set forth in this personnel policy, but are not entitled to benefits as outlined for employees. Independent contractors shall be compensated in accordance with the terms of any agreement reached between the independent contractor and the NAYA Family Center, and shall be responsible for all taxes, withholdings, and reporting responsibilities required by applicable law. Independent contractors shall not be afforded agency status or gain implied agency status absent express authorization by the Executive Director.

VI. WORKING HOURS AND COMPENSATION

A. *Work Schedules*

Each employee is expected to work with his or her supervisor to arrange for an appropriate schedule. Flexible schedules may be permitted with the expectation that the employee maintain a high level of service to the agency's clients, arrive to work and from breaks at the agreed-upon time, and attend all required meetings. Flexible schedules are contingent upon approval by the employee's supervisor and the Executive Director, and must be established in writing and placed in the employee's personnel file.

Employee schedules, attendance, and punctuality are subject to review by the Executive Director on a case-by-case basis.

B. *Overtime*

Non-exempt employees are expected to complete their job tasks within the forty-hour work week (Monday through Sunday). Any overtime worked by a non-exempt employee will be compensated fairly under the terms of state and federal wage and hour laws, which currently require non-exempt employees to be paid at the rate of 1½ times the regular rate for all hours over forty worked in the workweek. Due to limited resources, however, the NAYA Family Center prohibits non-exempt employees from working more than forty hours per week unless specifically authorized to do so by their supervisors. Because accomplishing the goals and objectives of the NAYA Family Center may sometimes require employees to work irregular and/or long hours, the NAYA Family Center may require the adjustment of non-exempt employee work schedules whenever possible as an alternative to paid overtime.

Exempt employees may be required to work more than forty hours per week to complete their normal work, perform additional work, meet deadlines, or attend meetings, conferences, or workshops. Exempt employees who work additional hours will be allowed reasonable flexibility in adjusting their work schedules and may, with the permission of their supervisors, take time off to compensate for significant hours worked. Although exempt employees are permitted some flexibility with their schedules, time off should be taken within the same pay period as the hours worked. In addition, exempt employees must report absences from normal scheduling for four hours or more as leave time. However, if an exempt employee has no available accrued sick or vacation leave, the employee's salary will not be reduced for absences of less than a full day, per state and federal law.

C. *Breaks and Meals*

Employees shall receive one fifteen minute paid break for each four hours (or major portion thereof) of work, and an unpaid meal period of up to one hour for shifts of six hours or more. Breaks and meal periods are uninterrupted periods in which employees must be relieved of all duties. Breaks should be taken in the

middle of each four-hour work segment and the meal period should be taken in the middle of the work day whenever possible. Breaks and meal periods may not be scheduled at the beginning or end of the day. It is the responsibility of each employee to take and appropriately document his or her break and meal periods, and it is the responsibility of supervisors to ensure that all employees are taking adequate breaks and meal periods.

D. Office Closures

In the event of bad weather, employees should contact their supervisors to find out if the NAYA Family Center will be closed. As a rule, if weather requires the closure of local schools, employees should contact their supervisors to confirm a NAYA Family Center closure. Other emergencies may also require office closure, as decided by the Executive Director and his or her designee.

Employees may or may not be paid for office closures, depending on the circumstances of the weather or emergency.

E. Overnight Travel

1. Youth / Client Trips

During overnight trips, such as camps and youth conferences, the lead staff member will work with employees to determine scheduling. A ratio of at least one staff member per five youth (minimum 1:5) is required on all overnight trips, and at least two staff members must be on-call at all times, including sleep and meal periods. However, at least one staff member will be off-call each night to ensure that he or she gets an uninterrupted sleep period of no less than five hours. In addition, each staff member will have at least one uninterrupted meal period each day.

During overnight activities where a non-exempt employee is required to be on duty for twenty-four hours or more, bona fide meal periods and a bona fide, regularly scheduled sleeping period of five to eight hours will be excluded from hours worked.

2. Staff Trainings / Conferences

During overnight trips that do not involve clients or require an employee to be on duty for twenty-four hours or more, such as professional development conferences or trainings, the NAYA Family Center will compensate employees for time in which the employee performs work, such as attending a training session or a meeting, and all travel time, regardless of the time of day the travel takes place. Travel time includes time spent at airports, flight delays, and automobile travel as a passenger or driver.

F. Paydays and Timesheets

NAYA Family Center employees are paid twice monthly, on the fifteenth and the last day of the month. If a payday falls on a holiday or weekend, employees will be paid on the last business day prior to the holiday or weekend.

All employees must complete semi-monthly time sheets prior to each pay period. The time sheets verify the hours worked and must be signed by both the employee and the employee's supervisor or the Executive Director. A time sheet is a legal document and must not be tampered with.

G. *Employee Benefits*

The NAYA Family Center may provide regular full- and part-time employees with various employee benefits. Employees must regularly work at least twenty hours per week to receive benefits. Benefits for eligible part-time employees will be pro-rated, based on the number of hours worked.

VII. LEAVE AND ABSENCES

The NAYA Family Center provides paid leave (including vacation leave, paid holidays, sick leave, jury duty, and bereavement) to regular employees as an employment benefit. The NAYA Family Center also provides sick leave to eligible temporary employees. In limited situations, employees may be permitted to take unpaid leave. Employees may not be absent from work without properly notifying their immediate supervisor or obtaining the necessary approval except in emergency situations. Unapproved or unexcused absences or abuse of the NAYA Family Center's leave policies shall result in disciplinary action.

A. Paid Leave

1. Vacation Leave

Employees are required to give two weeks written notice and to submit the NAYA Leave of absence form to their supervisor for approval outlining their intent to take vacation leave.

All regular employees will begin accruing vacation leave on their first day of employment. Regular full-time employees, except for NAYA Early College Academy staff, will accrue vacation leave at the following rates:

Length of Employment	Annual Leave Accrued
• 1st year	• 80 hours (3.33 hours / pay period)
• 2nd & 3rd years	• 120 hours (5.00 hours / pay period)
• 4th & 5th years	• 136 hours (5.67 hours / pay period)
• 6th, 7th, 8th & 9th years	• 160 hours (6.67 hours / pay period)
• 10th year and over	• 200 hours (8.33 hours / pay period)

Regular part-time employees who regularly work a minimum of twenty hours per week are eligible to accrue vacation leave on a pro-rated basis.

Each employee will receive, on a semi-monthly basis, information about the amount of vacation time he or she has accrued on the payroll statement. The maximum amount of vacation leave that any regular full-time employee may have in his or her leave bank at one time is equivalent to their annual leave accrual rate. This maximum will be pro-rated for part-time employees. Employees may only apply vacation leave that has already accrued by the pay period in which the leave occurs: employees are not permitted to take vacation leave that has not yet been earned. Paid vacation may be drawn upon after 6 months of employment.

At the termination of employment, employees will be paid for any unused accrued vacation leave (up to the equivalent to their annual leave accrual rate).

2. Paid Holidays

The NAYA Family Center observes ten paid holidays, which include the following days:

- New Year's Day (1/1)
- Martin Luther King Day
- President's Day
- Memorial Day
- Independence Day (7/4)
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving Day
- Christmas Eve Day (12/24)
- Christmas Day (12/25)

Regular full-time and regular part-time employees are eligible for holiday pay for days that occur on dates in which they are scheduled to work. Holiday pay shall be equal to the employee's normal full time or part time rate of pay.

If the holiday falls on a weekend, it will be taken on Friday or Monday. The Executive Director has the authority, in special circumstances, to amend the holiday schedule, specifically the observance of Christmas Eve Day in combination with the weekend, in order to maximize consecutive nonworking days.

3. Sick Leave

Employees may use accrued sick leave for any bona fide illness, injury, or medical appointment. Employees may also use accrued sick leave to care for their dependents and other family members who require the employee's care. At the discretion of the employee's supervisor or the Executive Director, an employee may be required to provide his or her health care provider's statement as evidence of his or her own illness or injury or that of a covered relative to show that the employee is unable to work.

If an employee does not have sick leave available, any additional time off taken for an illness or injury will be deducted from accrued vacation leave (if available). With the approval of the Executive Director, an employee may also take unpaid leave if he or she has exhausted all other accrued leave. When an employee takes medical leave pursuant to federal or state medical leave laws, the employee shall first use any allowed, accrued paid leave before using unpaid leave.

i. Regular Employees

Paid sick leave is accrued by regular full-time employees at the rate of four hours per pay period. Regular part-time employees are eligible to earn sick leave on a pro-rated basis. The maximum amount of sick leave that any regular full-time employee may have in his or her leave bank at one time is 160 hours. This maximum will be pro-rated for part-time employees. At the termination of employment, employees will not be paid for unused sick leave.

ii. Temporary Employees

In accordance with the Portland Protected Sick Time Ordinance, temporary employees who work at least 240 hours in a year are eligible for sick leave. For the purposes of sick leave for Temporary employees, the year is defined as the consecutive 12-month period beginning with the date of hire. Eligible employees begin accruing sick leave from the outset of employment. Eligible employees may begin using sick leave on their 91st calendar day of employment.

Paid sick leave is accrued by eligible temporary employees at the rate of one (1) hour of sick leave per thirty (30) hours worked. Exempt employees are presumed to work 40 hours in a workweek for purposes of sick time accrual, unless their normal workweek is less than 40 hours, in which case sick time is accrued based on the employee's normal workweek.

The maximum amount of sick leave that any Temporary employee may have in his or her leave bank at one time is 40 hours.

At the termination of employment, employees will not be paid for unused sick leave. An employee rehired within 6 months of separation is entitled to use previously accrued sick time immediately upon reemployment.

4. Family / Medical Leave

Terms used defined:

- **Parental Leave:** for the birth of a child or the adoption or foster placement of a child.
- **Serious health condition leave:** to care for a family member with a serious health condition or to recover from or seek treatment for the employee's own serious health condition that renders the employee unable to perform at least one essential function of their job.
- **Pregnancy disability leave:** for a pregnancy-related disability or prenatal care.
- **Sick child leave:** to care for a sick child who does not have a serious health condition, but requires home care.
- **"Key" Employee:** is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the NAYA Family Center.
- **Leave Year:** the twelve month period during which an eligible employee is entitled to twelve weeks of leave.

i. FMLA:

In accordance with the Family and Medical Leave Act (FMLA), employees employed with the NAYA Family Center for at least 12 months immediately preceding the date leave begins and who have worked at least 1,250 hours during the 12 month period are generally entitled to a maximum of 12 weeks for family/medical leave within the leave year, based upon the agency's fiscal calendar, July 1 through June 30.

Employees are eligible for the leave period for one or more of the following reasons: parental leave; employee's own serious health condition; serious health condition of spouse, parent, or child (Check Definitions). Pregnancy disability leave or maternity leave for the birth of a child would be considered serious health condition health under FMLA, however an employee is allowed 12 weeks maximum in a leave year. The NAYA Family Center may require medical verification of the need of FMLA leave from a health care provider, and may require an employee of FMLA leave to periodically report to the NAYA Family Center on their current status. For further information and up to date forms, please visit: <http://www.dol.gov/whd/fmla/>

ii. OFLA:

In accordance with the Oregon Family Leave Act (OFLA), employees employed by the NAYA Family Center for at least 180 calendar days immediately preceding the date leave begins and who have worked an average of 25 hours per week during the 180-day period (the 25 hour per week requirement does not apply to employees taking parental leave) are generally entitled to a maximum of 12 weeks of family / medical leave within the leave year based upon the agency's fiscal calendar, July 1 through June 30.

Family / medical leave may be taken for the following reasons: parental leave; employee's own serious health condition; serious health condition of spouse, parent, child, parent-in-law, or same-sex domestic partner; pregnancy disability leave; sick child leave. The NAYA Family Center may require medical verification of the need for OFLA leave from a health care provider, and may require an employee on OFLA leave to periodically report to the NAYA Family Center on their current status. For further information and up to date forms, please visit: <http://www.oregon.gov/boli/TA/Pages/index.aspx>

iii. FMLA/OFLA:

Employees are required to give the NAYA Family Center written notice 30 days in advance of the leave. If 30 days notice is not possible, employees should give as much written notice as practical. For unanticipated or emergency situations, employees are required to give verbal or written notice within 24 hours of starting leave (if employee only gives verbal notice, written notice is required within three days after the employee returns to work). The verbal notice may be given by any other person on behalf of the employee taking the leave. Where possible, employees must make a reasonable effort to schedule medical

treatment at times that will minimize disruption of NAYA Family Center operations.

Although FMLA/OFLA leave may be unpaid leave, employees taking FMLA/OFLA leave are required to use any accrued paid sick and/or vacation leave before taking unpaid leave. Where employees taking FMLA/OFLA leave have more than one type of paid leave available, sick leave shall be used before vacation leave. While on FMLA/OFLA leave, an employee's paid sick and vacation leave will continue to accrue at the normal rate and health benefits will be maintained. If an employee taking FMLA/OFLA leave normally pays for family member health care benefits through the NAYA Family Center's health care plan, the employee must arrange with the Finance Department for the payment of the premiums in their absence.

Employees at the NAYA Family Center are covered by both FMLA and OFLA. This does not however imply that employees are eligible for more than the 12 weeks allowance during a leave year. The leave taken by employees is counted against both FMLA and OFLA leave entitlements. There are a few situations, however, such as sick child leave and leave to care for a parent-in-law, in which OFLA provides for leave and FMLA does not, so it is not possible to count the leave toward the FMLA entitlement.

Employees at the NAYA Family Center are covered by both FMLA and OFLA. This does not however imply that employees are eligible for more than the 12 weeks allowance during a leave year. The leave taken by employees is counted against both FMLA and OFLA leave entitlements. There are a few situations, however, such as sick child leave and leave to care for a parent-in-law, in which OFLA provides for leave and FMLA does not, so it is not possible to count the leave toward the FMLA entitlement.

Upon return from FMLA/OFLA leave, the employee is entitled to be reinstated to their former job. If the position no longer exists, the employee is entitled to be reinstated to an equivalent position. However, an employee taking FMLA/OFLA leave has no greater right to their job than if FMLA/OFLA leave had not been taken. Before restoring the employee to work after taking FMLA/OFLA leave for the employee's own serious health condition, the NAYA Family Center may require the employee to present certification from the employee's health care provider that the employee is able to resume work. Under limited circumstances where restoration to employment will cause "substantial and grievous economic injury" to the NAYA Family Center operations, it may refuse to reinstate certain highly-paid, salaried "key" employees (Check Definitions).

5. Jury Duty

The NAYA Family Center recognizes the occasional civic obligation of our employees to serve on juries, and will therefore continue to pay the wages of regular employees, at their normal rate of pay, for up to ten days of jury duty service. Employees are, in turn, obligated to turn over to the NAYA Family Center any financial reimbursement provided by the court, including mileage cost reimbursements. When an employee receives a summons for jury duty, he or she should immediately provide a copy of the summons to his or her supervisor.

6. Bereavement

Regular full- and part-time employees are eligible, upon approval, for up to three days of paid leave per fiscal year at the time of a death in their immediate family. For purposes of this personnel policy, "immediate family" includes parents, spouses or persons with whom the employee holds a substantially similar relationship, siblings, children, in-laws, aunts, uncles, nieces, nephews, cousins, and grandparents, and includes foster and adoptive relationships. In exceptional circumstances and with the approval of the Executive Director, an employee may be granted bereavement leave for any other person who is a member of the employee's household.

B. Unpaid Leave

1. Disability Leave

The Executive Director may grant disability leave without pay for a long-term medical condition requiring treatment and recovery time beyond the employee's available sick leave, after consultation with the employee and his or her health care provider. A statement from the health care provider and a written understanding of the reason for the leave and the time granted will be placed in the employee's personnel file.

2. Military Leave

Military leave may be provided, unpaid, in accordance with current applicable laws. Employees may use accrued vacation leave for military leave.

3. Unpaid Personal Leave

Employees may take leave for personal reasons, without pay, at the sole discretion of the Executive Director. The Board of Directors may grant a request from the Executive Director for unpaid personal leave. All such leave will be documented, in writing, and will be included in the employee's personnel and payroll files.

C. *Domestic Violence Leave*

Oregon state law provides that employees who are victims of domestic violence, sexual assault, harassment, or stalking are entitled to take either accrued paid leave or unpaid leave in order to seek legal or law enforcement assistance or remedies, to seek medical treatment for or recover from injuries, to obtain counseling or other victim services, or to relocate or take other steps to obtain a safe home. This law also provides the same protections to the parent or guardian of a minor victim who requires leave in order to seek legal assistance, medical treatment, or counseling, or to relocate to protect the minor victim.

VIII. WORKPLACE RULES

The following workplace rules set forth the standards that all employees are expected to follow while at the NAYA Family Center facility, participating in any NAYA Family Center programs or activities, traveling on official business, and otherwise representing the agency. Violation of any of these rules can result in disciplinary action up to and including termination of employment with the NAYA Family Center. However, the NAYA Family Center will use these rules as guidelines only and will evaluate each situation individually. In addition, the list below is not a complete list, and the NAYA Family Center may add, delete, or otherwise change these rules at any time, or take disciplinary action for any other reason.

A. *Building Cleanliness*

The NAYA Family Center endeavors to maintain a comfortable, safe, and professional work environment. All employees are expected to do their part to keep our facility clean, neat, and organized. The NAYA Family Center endeavors to be environmentally conscious, and asks that employees reduce, re-use, and recycle whenever possible.

B. *Safety and Security*

The personal safety and security of NAYA Family Center employees, clients, and visitors are considered to be critical, and are both an individual and organizational concern. While the NAYA Family Center strives to provide an environment free of undue risks to persons and property, it is each employee's responsibility to pay attention to his or her surroundings, avoid potentially hazardous situations, and exercise his or her own best judgment to maintain personal safety and well-being. Although the NAYA Family Center attempts to maintain a safe and secure workplace, the agency will not be responsible for personal property that is lost or stolen.

Employees must practice safe work habits. Employees are required to immediately notify their supervisors and the Director of Operations in the event of an accident or injury at work or any incident at work that may lead to an injury or job-related illness, including injuries that occur away from the NAYA Family Center facility that are sustained in the course of regular job duties.

Each employee is also expected to call attention to any unsafe conditions and/or potentially dangerous behavior or activities that threaten the safety and security of others by immediately contacting his or her supervisor or the Executive Director. The Main Office personnel are responsible for ensuring that all clients and visitors sign in before accessing the facility. All exterior doors, except the main entrance, should be kept closed at all times. If a door must be propped open (such as to move furniture or load or unload items), an employee must be present at all times.

C. Identification Badges

The purpose of NAYA Family Center identification badges is to establish a system that provides constant and immediate identification of staff, clients, students, volunteers, and visitors. It is the policy of the NAYA Family Center to issue an Identification Badge with photograph to each employee and student. Clients, volunteers and visitors will receive temporary, non-photo Identification Badges for the duration of their visit.

Identification Badges are to be worn by all staff, clients, students, volunteers and visitors at all times while in NAYA Family Center facilities. The Identification Badge should be worn on the upper body so that it can be easily read and clearly visible to someone facing the wearer.

D. Keys and Key Cards

Each employee is responsible for his or her assigned key(s) and key card to the facilities. All keys and key cards remain the property of the NAYA Family Center and under no circumstances should an employee duplicate, sell, transfer, or lend his or her key or key card to another individual. Employees should report lost, missing, or stolen keys and key cards to their supervisors and the Director of Operations immediately. Upon termination of employment, the supervisor is responsible for collecting ALL assigned keys and key cards from the employee.

E. Equipment and Property

All equipment, property, written materials, records, documents, and work products made or obtained by employees while employed by the NAYA Family Center are the sole property of the NAYA Family Center. Employees shall use NAYA Family Center equipment and property only for official business. Personal use of NAYA Family Center equipment and property, including but not limited to the use of supplies and vehicles, shall be grounds for disciplinary action.

F. Computer and Electronic Communications Network

NAYA Family Center computers and an electronic communications network are provided for employees to use for administrative and educational purposes. The agency will provide all employees with training on computer and network use policies. The use of any computer or electronic communication service by any employee is conditioned upon acceptance of all relevant NAYA Family Center guidelines. Failure to abide by agency policies governing the use of the NAYA Family Center computers and network may result in the suspension or revocation of access or other discipline up to and including dismissal. Violations of the law will be reported to the appropriate law enforcement officials.

The computers and network are the property of the NAYA Family Center, and the agency reserves the right to inspect and monitor all communications and data transmitted, accessed, or stored on the computers and network. Unlawful, inappropriate, and/or unauthorized uses of the NAYA Family Center computers and network are prohibited. While employees may use the computers and

network for personal use, such use is a privilege, subject to reasonable use and conduct.

G. Operation of Motor Vehicles

If driving is required for an employee's position at the NAYA Family Center, the employee must immediately report any change in his or her driving record status (an accident, citation, change in personal insurance provider, loss of license, etc.) to his or her supervisor and to the Finance Department.

1. Agency Vehicles

If driving an agency vehicle is required for an employee's position at the NAYA Family Center, the employee must be approved by the agency's insurance provider for purposes of underwriting business automobile insurance.

2. Personal Vehicles

If driving is required for an employee's position at the NAYA Family Center and the employee has approval from his or her supervisor to drive a personal vehicle, the employee must be approved by the agency's insurance provider for purposes of underwriting business automobile insurance. The employee must also provide the NAYA Family Center with proof of his or her personal automotive liability insurance.

H. Client Transportation

Employees must use the utmost care when transporting NAYA Family Center clients, and are required to comply with all applicable safety laws and regulations. Employees who are authorized to transport NAYA Family Center clients may transport clients only to and/or from official NAYA Family Center activities. Employees may not run personal errands while transporting a client. Safety plans, where appropriate, should be reviewed prior to transporting clients. Employees should work with their supervisors to avoid riding in a vehicle alone with a client. If riding in a vehicle alone with a client is unavoidable, employees should obtain direct written permission from their supervisors.

Whenever possible, NAYA Family Center clients requiring transportation should be transported in the NAYA Family Center van or other official agency vehicle. However, due to the high demand for transportation, approved employees may transport clients to or from NAYA Family Center activities in their personal vehicles, if a signed and up-to-date permission form for transportation in a private staff member's vehicle is on file for each client to be transported.

I. Consumption of Alcoholic Beverages

The consumption of alcoholic beverages at the NAYA Family Center is forbidden. Any employee who has been found to have consumed an alcoholic beverage(s) at the workplace will be immediately terminated from employment with the NAYA Family Center. Similarly, any employee who is found to have consumed alcohol at an off-site NAYA Family Center activity directly related to

providing services to NAYA Family Center clients will be immediately terminated from employment. Clothing, bags, hats, and other personal items that display, promote, or advertise alcohol products are also prohibited in the workplace.

The consumption of alcoholic beverages outside of the workplace between employees and clients is prohibited. Any employee found to have engaged in such conduct is subject to immediate termination. Furthermore, any employee found to have engaged in such conduct with a client under the age of eighteen will be immediately terminated from employment and will be reported to the proper law enforcement authorities.

The NAYA Family Center reserves the right to make exceptions to this consumption of alcoholic beverages policy for of-age employees for fundraising and other special events, as approved by the Board of Directors. If the NAYA Family Center makes such an exception to this policy, employees shall be informed of the exception and the terms and conditions of permitted alcohol consumption. The NAYA Family Center shall provide this information to employees prior to the event, in writing whenever possible.

J. Drug-Free Workplace

The NAYA Family Center maintains a drug-free workplace. Employees are also prohibited from being under the influence of a controlled substance at the workplace. Employees who violate this policy will be immediately terminated from employment with the NAYA Family Center and will be reported to the appropriate law enforcement authorities. Any conviction of a drug related crime must be reported by the employee to his or her immediate supervisor within two working days of the conviction.

K. Tobacco

The NAYA Family Center wishes to protect and promote the health of its employees and the youth and families it serves. Oregon Administrative Rule 581-021-0110 states that all Oregon school properties and events are tobacco free. Consequently, the use, distribution, or sale of commercial tobacco is prohibited on NAYA Family Center property, at NAYA Family Center programs, activities, and events, in NAYA Family Center vehicles, or otherwise while on duty. In addition, employees who are authorized to use private vehicles to transport NAYA Family Center clients are prohibited from using tobacco in those vehicles while clients are under their care. Clothing, bags, hats, and other personal items that display, promote, or advertise tobacco products are also prohibited in the workplace. Violation of this policy will lead to disciplinary action up to and including dismissal. Information about community resources and/or cessation programs may be provided to employees seeking to overcome tobacco use.

The consumptive use of commercial tobacco is not to be confused with the ceremonial use of tobacco. Ceremonial use of tobacco or smoke, including but not limited to offerings, prayer sticks, and tobacco pouches, is acceptable if performed in a respectful and culturally appropriate manner.

L. Political Activities

The NAYA Family Center's non-profit status and funding requirements prohibit the agency from participating in any campaign activity for or against political candidates. In order to protect the agency's non-profit and funding status, employees are prohibited, during work time, from engaging in any political activity on behalf of or in opposition to a candidate for public office. Employees may not display campaign materials or paraphernalia on the premises or property. Employees are also prohibited from participating in lobbying activities, including support of or opposition to ballot measures, while on the job, except as expressly permitted by the Executive Director and approved by the Board of Directors. In addition, no NAYA Family Center materials, funds, or services may be used for lobbying or voter registration activities, except as expressly approved by the Executive Director and Board of Directors. Employees with any questions concerning lobbying regulations should consult their supervisor, the Perkins Coie Guide to the Internal Revenue Code, or the Federal Election Campaign Act.

M. Conflicts of Interest

Employees are generally not eligible to receive NAYA Family Center services, except for those employees specifically classified as Paid Interns. However, as outlined in program procedures, employees may be eligible to receive services for programming that, by contract, allows for participation by employees who qualify under specified program criteria.

Family members or relatives of employees are eligible to receive services. Employees must notify the Department Director whenever NAYA Family Center services are provided to friends, family, co-workers, and others affiliated with the NAYA Family Center.

The NAYA Family Center also prohibits employees from receiving financial compensation, other than wages and benefits, in the delivery of NAYA Family Center services.

NAYA Family Center employees may engage in outside employment, except where such employment interferes with, conflicts with, or detracts from the employee's job performance or the interests of the agency. NAYA Family Center employees must inform their immediate supervisors if they are engaged in any outside employment. The NAYA Family Center is the sole judge of whether a job interferes with, conflicts with, or detracts from the employee's job performance or the interests of the agency.

N. Confidentiality

All employees are expected to exercise the utmost discretion in matters of official business and in all matters relating to clients and their families. The primary purpose of confidentiality is to provide anonymity and protection for all youth and families involved in NAYA Family Center programs. Confidentiality facilitates the establishment of a trusting relationship between the youth or family

and the direct service staff. Any employee who breaches the NAYA Family Center's confidentiality policies will be subject to discipline.

Any client-related information relevant to NAYA Family Center services that has been received by an employee must be reported to the client's case manager and kept in strict confidence. As with any other aspect of the case management process, sound judgment must be exercised in maintaining the confidentiality of records, as well as in the recording of pertinent material in NAYA Family Center records. All client files will be kept in a secure, locked file cabinet or protected computer file. Under no circumstances should any file be removed from the NAYA Family Center premises.

Client records may be used only for internal purposes (though non-identifying client information may be used to meet grant proposal and reporting requirements). No records, documents, or verbal information pertaining to any client or family may be provided to anyone outside the agency without the signed, written consent of the client or legal guardian and the approval of the case manager. This also applies to any identifying information (name, address, social security number, picture, etc.) about a specific client or family. However, emergency medical or legal situations, as well as the NAYA Family Center's child abuse reporting requirements (see Section O, below, for more information on child abuse reporting requirements), may require the agency to release confidential information.

It is a breach of the NAYA Family Center's confidentiality policy to discuss the details of a case outside of the program, even if specific identifying information is not revealed. For example, although one might describe a case and never mention who the client is or allude in any way to names or other identifying data, the description may reveal enough information for the listener to identify the client or family.

The fact that a case has been made public through the news media does not alter the fact that a client has confidentiality privileges within the NAYA Family Center. For example, if a client is arrested, confidentiality still protects any unauthorized disclosure of identifying or case management information. All requests for information related to a public incident should be referred to the Executive Director.

O. Child Abuse Reporting

All NAYA Family Center employees are required to report any child abuse that is witnessed or suspected by the employee in the course of their duties. For purposes of this policy, "child abuse" includes any emotional, physical, or sexual abuse, and/or neglect of a child or children. The reporting requirement is fulfilled when the employee makes a discreet verbal report to his or her immediate supervisor and the appropriate agency has been notified. This report should be made as soon as possible, without discussing the matter with peers or subordinates before hand. If the immediate supervisor is not available, the

employee must report to another available supervisor or directly to the Executive Director.

P. Sexual Relations with Clients Prohibited

Sexual and/or romantic relations of any kind between employees and clients are forbidden. For purposes of this section, “client” includes any person receiving services from the NAYA Family Center and his or her immediate family. Any employee found to have engaged in such conduct is subject to immediate termination. Furthermore, any employee found to have engaged in such conduct with a client under the age of eighteen will be immediately terminated from employment and will be reported to the proper law enforcement authorities under the mandatory child abuse reporting requirements.

Q. Violence, Harassment, and Sexual Harassment

It is the policy of the NAYA Family Center that violence and harassment of any kind will not be tolerated in the workplace. Violence and harassment may include, but is not limited to words, actions, and/or behaviors that create an uncomfortable or intimidating work environment. Violence, verbally abusive language, hazing, intimidation, menacing, bullying, and all other forms of harassment, including harassment based on tribal affiliation or membership in any other protected class (race, religion, sex, national origin, age, disability, sexual orientation, gender, gender identity, gender expression, marital status, veteran status, etc.) are prohibited at the NAYA Family Center facility, at all NAYA Family Center programs, activities, and events, and in any capacity outside the NAYA Family Center while acting as a representative of the NAYA Family Center.

Sexual harassment is strictly prohibited and shall not be tolerated. For purposes of this policy, “sexual harassment” is defined as any unsolicited and unwelcome comment or conduct with sexual overtones. Sexual harassment includes, but is not limited to: repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his or her appearance; the display of sexually suggestive objects or pictures; talking about one’s sexuality in front of others; sexual gestures; obscene jokes; or any offensive or abusive physical contact. No individual should imply to any employee that cooperation, or lack thereof, of a sexual nature would in some way affect the person’s employment, assignment, compensation, advancement, career development, or any other condition of employment.

Any employee who has knowledge of conduct in violation of this policy and/or who is subject to violence, harassment, or sexual harassment in the workplace is strongly encouraged to inform his or her supervisor and the Executive Director of such actions as soon as possible. Any situation involving the Executive Director should be brought directly to the attention of the Board of Directors (see Grievance Policy, Chapter XI). Any and all complaints of violence, harassment, or sexual harassment will be dealt with promptly and confidentially,

except as necessary to investigate the allegation. It is the intent of the NAYA Family Center that appropriate corrective action will be taken to stop violence, harassment, and/or sexual harassment in the workplace, prevent its recurrence, and address any negative consequences. Any act of violence, harassment, or sexual harassment will bring prompt disciplinary action, including possible immediate termination. Where applicable, violations of this policy may also be referred to law enforcement officials and/or the Teacher Standards and Practices Commission.

R. Dress Code

The NAYA Family Center has designed a dress code to help ensure that employees project an image of professionalism into the community. Each employee is required to wear business or “business casual” attire when at work or attending work-related functions. Appropriate and non-revealing active wear clothing may be worn for student and client outreach activities where the nature of the activity deems this type of less formal active wear appropriate. If an employee engages in programming that involves physical activity during part of the day but the other part of the day involves work in the office, the employee is expected to change out of his or her active wear clothing and into appropriate clothing while working in the office. NAYA Family Center T-shirts are appropriate for some occasions (for example, at the Back to School BBQ, or on days at the office when an employee has no off-site meetings scheduled and no on-site meetings with partners). Shorts may be worn only while participating in programming that involves physical activity, such as sports practices or a camping or hiking trip.

In general, jeans are acceptable (except as set forth below), but should be avoided when officially representing the agency at meetings within and outside the NAYA Family Center facility. Shoes should be clean, in good repair, polished if appropriate, and applicable to the type of work an employee is performing. Open toed shoes and sandals may be worn, as long as they are not distracting and are appropriate to the type of work being performed. Thongs and flip flops are not appropriate. Hats are to be removed at all community meetings (including those at the NAYA Family Center and outside of the NAYA Family Center), staff meetings, at schools, and during home visits. Earrings and other body piercings are acceptable, as long as they not distracting or inappropriate for the occasion. Tattoos are acceptable if culturally appropriate and not distracting.

The following types of clothing are not appropriate for work at the NAYA Family Center:

- Revealing blouses, shirts, and tops (including midriff-bearing, see-through, or similar tops);
- Visible undergarments;
- Sports jerseys, sweatshirts, or T-shirts with slogans or graphics;
- Hooded sweatshirts;

- Sagging and excessively baggy jeans, low-rider jeans, jeans with big pockets, or dirty wash, bleached, streaked, or faded jeans; and
- Skirts or dresses that are shorter than knee-length or that have long slits up the side.

The dress code may be modified as required to accommodate a medical condition or special assignment. Attendance or participation at formal events may require staff to adhere to more stringent standards of dress. Employees should consult their supervisors if they have any questions about whether clothing is appropriate for the work place and/or a specific activity.

IX. EMPLOYEE PERFORMANCE

A. *Personnel Performance Evaluations*

It is the management philosophy of the NAYA Family Center that personnel performance evaluations are a key part of the ongoing process of employee development. Performance evaluations will be based on the employee's performance and his or her knowledge, skills, and ability to fulfill the duties of the position. In preparation for any evaluation, the employee's supervisor is encouraged to solicit input from the employee and any co-workers, clients, and/or community members with whom the employee has had significant professional relationships or interactions.

All new employees will receive an initial evaluation after six months of employment. In addition, all classifications of employees will receive at least one performance evaluation annually. An employee may also receive a special evaluation upon request or at the discretion of his or her immediate supervisor to document superior or special achievements, special salary increases, corrective or disciplinary action, or a drop in work performance below expected levels.

Performance evaluations shall be reviewed with each employee to identify his or her strengths, weaknesses, and attitude related to job performance, and to identify any remedial actions that may be necessary.

B. *Corrective Action*

The NAYA Family Center views corrective action as means of assisting employee development and redirecting the employee's actions into alignment with the agency's expectations for the position. Whenever possible, corrective action should occur informally, in the natural context of a facilitative supervisory relationship. There will be instances, however, when job expectations are not being met or misconduct occurs and a more formal intervention is necessary. In such cases, the corrective action process may document steps or actions needed to improve performance.

C. *Disciplinary Action*

The NAYA Family Center may use the disciplinary actions set forth below at its discretion, and expressly retains the right to deviate from these rules, forego stages of discipline, and/or impose discipline as it deems appropriate under the circumstances. These disciplinary rules are guidelines only and do not constitute a contract.

1. *Disciplinary Action*

Disciplinary action may proceed as follows:

- **Verbal Warning** - An employee who commits a minor infraction may be subject to a verbal warning. Although a verbal warning is not a formal written warning, it will still be documented in the employee's personnel file.

- **Written Warning** - After two verbal warnings, an employee may receive a written warning for the third similar infraction. In addition, certain infractions can subject the employee to a written warning after just one incident.
- **Suspension** - Suspension may occur for the next infraction after one written warning. In addition, certain infractions can subject the employee to suspension after one incident. An employee may be suspended with or without pay, at the discretion of the employee's supervisor.
- **Termination** - Termination can occur at management's discretion after any combination of warnings or suspensions. There are some situations that may call for immediate termination. Please note that the NAYA Family Center is an at-will employer and may terminate an employee with or without notice and with or without cause, for any lawful reason.

2. **Grounds for Termination**

Dismissal will occur after prior written notice from NAYA Family Center of the effective date of termination. However, dismissal will occur without prior notice for any of the reasons listed below. This list includes, but is not limited to, the following:

- Dishonesty and/or fraud;
- Stealing or intentionally destroying or damaging property of others;
- Working while manufacturing, distributing, dispensing, possessing, or under the influence of alcohol or drugs, or using alcohol or drugs while at work or on NAYA Family Center travel status;
- Substantiated incidents of child abuse or neglect;
- Substantiated incidents of domestic violence;
- Disregard of agency policies;
- Any action that endangers the safety, health, or well being of another person;
- Unauthorized or unsafe transportation of NAYA Family Center clients.

X. GRIEVANCE POLICY

The purpose of the NAYA Family Center's Grievance Policy is to ensure fair and equitable treatment of all employees. The grievance process is set forth below so that NAYA Family Center employees will be familiar with the means by which to resolve a problem or correct a perceived act or omission that occurs during the course of employment. Although disciplinary actions will not be delayed by the initiation of the grievance process, disciplinary actions may be modified as a result of the grievance process. The NAYA Family Center's decision to terminate employment may not be challenged through the grievance process.

A. *Informal Grievance Procedure*

An employee who has a complaint about the workplace or a problem with another employee must first attempt to resolve the issue informally through discussions with a supervisor and/or the other employee. If the matter is not resolved through informal discussions, the aggrieved employee may initiate the Formal Grievance Process, as set forth below.

B. *Formal Grievance Process*

Where an employee's complaint about the workplace or problem with another employee is not resolved through informal discussions with a supervisor and/or the other employee, the aggrieved employee may initiate the NAYA Family Center's Formal Grievance Process by taking the following steps:

1. Step 1

In Step 1 of the Formal Grievance Process, the aggrieved employee should formally discuss his or her complaint or problem with his or her immediate supervisor. If the employee's complaint or problem involves his or her immediate supervisor, the employee may request to meet with the Executive Director and his or her designee rather than the supervisor. This discussion should include the following information:

- The act or omission that is being identified as a problem;
- The date the act or omission allegedly occurred;
- The specific circumstances that created the grievance; and
- The specific relief sought.

This discussion must be held within ten working days of the incident that gave rise to the complaint or problem, except in unusual circumstances. The supervisor will have seven working days in which to respond to the employee's grievance. The complaint or problem and the supervisor's resolution of the issue shall be documented in writing and placed in the aggrieved employee's personnel file.

2. Step 2

If the supervisor fails to resolve the grievance to the employee's satisfaction, the employee may take further action, as set forth below. In Step 2 of the Formal Grievance Process, the aggrieved employee should submit a written summary of his or her complaint or problem to the Executive Director. This summary should include, but is not limited to the information solicited in Step 1. To be considered, the employee must submit his or her complaint or problem to the Executive Director within five working days of receiving his or her supervisor's response to the issue in Step 1.

Within five working days of receipt of the employee's grievance, the Executive Director will review the employee's complaint or problem and/or may assign the grievance to another person for evaluation and mediation. The Executive Director or other assigned mediator will schedule a meeting with the persons involved within seven working days of receipt of the grievance. The decision of the Executive Director or other assigned mediator is final and is not subject to any additional review by the Executive Director or the NAYA Family Center Board of Directors.

3. Grievances Involving the Executive Director

If the employee's complaint or problem involves the Executive Director, the grievance must be delivered to the Chair of the Board of Directors for review and resolution. The Formal Grievance Process outlined in Step 1 and Step 2, as applicable, applies to complaints involving the Executive Director.

C. Grievance with Work Environment

If a concern arises that involves agency facilities, the aggrieved employee should first initiate informal discussion with a supervisor as outlined above in Section A. If a satisfactory resolution is not reached, the employee may initiate formal discussions with the Director of Operations. The employee shall provide, in writing, the following information:

- The perceived condition, lack of accessibility or hazard that is being identified as a problem.
- The date the concern arose or was first identified.
- The specific remedy sought.

Review of the issue will be held within 10 working days of receipt of the employee's grievance. In circumstances concerning the health and well-being of staff and clients, a prompt review may be requested. Any concern regarding the immediate safety of staff or clients should immediately be brought to the Director of Operations. All employees are protected by both the federal Occupational Safety and Health Act of 1970 and the Oregon Safe Employment Act. All employees are entitled to pursue such actions as outlined by these acts.

XI. WHISTLEBLOWER POLICY

If employees, directors, and/or officers of the NAYA Family Center have legal concerns regarding the operation of the NAYA Family Center, the agency's whistleblower policy is intended to encourage them to raise these concerns within the agency, prior to seeking guidance from outside the agency. A whistleblower is an employee, former employee, or member of an organization who reports misconduct to those with the power to take corrective action. The NAYA Family Center maintains an open door policy and recommends that employees, directors, and/or officers discuss legal questions, concerns, and/or complaints with the NAYA Family Center management or Board of Directors as they arise.

A. Reporting Responsibility

The NAYA Family Center requires that all employees and all members of the Board of Directors of the NAYA Family Center practice honesty and integrity in fulfilling their roles and responsibilities, while complying with all applicable laws and regulations. Moreover, it is the intent of the NAYA Family Center to adhere to all applicable laws and regulations. However, if an employee or member of the Board of Directors suspects or believes that a NAYA Family Center policy or activity is in violation of law, corporate practices, internal controls, and/or auditing practices, or that an employee or member of the Board of Directors is acting in violation of law, corporate practices, internal controls, and/or auditing practices, it is his or her responsibility to report the suspected violation to the Executive Director or Board Chair. The Executive Director or Board Chair will acknowledge receipt of the suspected violation report within five business days, unless the report is sent anonymously.

B. Confidentiality

An employee, director, or officer's report of a suspected violation will be kept confidential to the extent possible, except as necessary to investigate the allegation. Employees, directors, and/or officers have the right to report a suspected violation anonymously.

C. Compliance and Accountability

The NAYA Family Center's management team and/or Board of Directors will be responsible for investigating and resolving reported complaints and allegations regarding suspected violations of law, corporate practices, internal controls, and/or auditing practices. The management team and/or Board of Directors will communicate with the NAYA Family Center's auditor in matters of corporate and auditing practices, where appropriate.

D. No Retaliation

No NAYA Family Center employee, director, and/or officer who reports a suspected violation of law, corporate practices, internal controls, and/or auditing

practices in good faith will suffer harassment, retaliation, or adverse employment consequences as a result of making a report. If it is found, after investigation, that an officer, director, and/or employee has maliciously reported a suspected violation of law, or has made a report knowing it to be false, serious disciplinary action, including termination of employment, may be taken.

XII. SEPARATION FROM EMPLOYMENT

Separation from employment with the NAYA Family Center may occur through voluntary separation due to resignation, failure to return from a leave, or retirement. Separation may also occur through involuntary separation due to an employee's release, discharge, or termination, a reduction in work force, or the death of the employee.

A. *Notice of Intent to Resign*

Employees should give at least two weeks written notice of their intent to resign.

B. *Reduction in Force*

A reduction in force or lay-off may occur at any time, for any number of reasons, including but not limited to a lack of funds or a shift in program direction. The Executive Director shall establish lay-off criteria, subject to the approval of the Board of Directors, before issuing a reduction in force. The NAYA Family Center shall endeavor to provide a minimum of two weeks written notice to the affected employee(s) prior to a reduction in force. Employees laid off during a reduction in force shall be entitled to preference for available NAYA Family Center jobs for a period not to exceed ninety days. Preference does not create any express or implied promises or a guarantee of future employment.

C. *Return of NAYA Family Center Property Following Separation*

When an employee is separated from the NAYA Family Center, the employee (or the employee's successor upon the death of the employee) must return all NAYA Family Center property, including but not limited to equipment, keys, documents, and proprietary information.

D. *Final Paycheck and Benefit Eligibility*

Final paychecks will be provided to employees upon separation from employment with the NAYA Family Center as follows:

When an employee is:

- **Discharged:** The final paycheck is due by the end of the next business day.
- **Mutual Agreement to Terminate:** The final paycheck is due by the end of the next business day.
- **Resignation with at least 48 hrs. notice:** The final paycheck is due on the final business day worked.
- **Resignation with less than 48 hrs. notice:** The final paycheck is due within five working days, or on the next regular payday, whichever comes first.

An employee's final paycheck will include payment for accrued, but unused vacation leave. The NAYA Family Center will also provide all separated employees with information regarding extended benefit coverage and the conversion of benefit plans, as required by law.

Terminated employees whose last month of work is a partial month shall have their health and dental insurance remain in effect through the end of the last month worked.

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