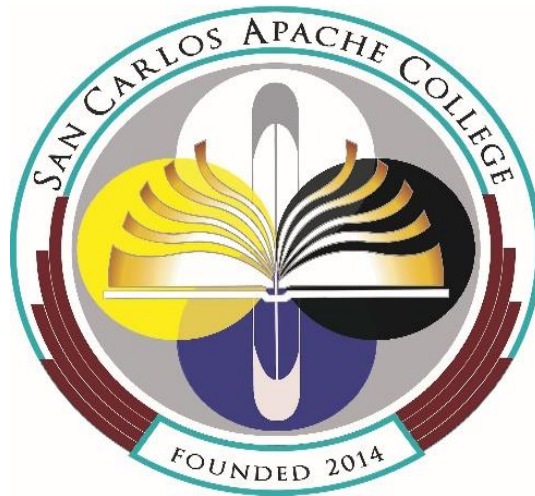


San Carlos Apache College



Personnel Policies and Procedures Handbook



October 18, 2022

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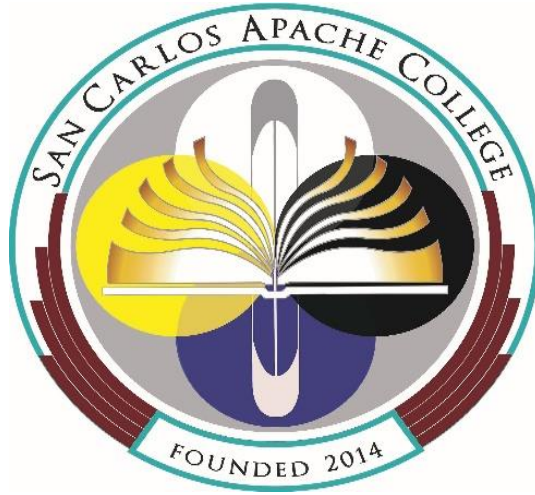
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San Carlos Apache College

Personnel Policies and Procedures Handbook



NOTICE TO EMPLOYEES

This Handbook provides the policies and procedures for the San Carlos Apache College (“SCAC” or “College”), as approved by the College’s Board of Regents.

As an employee of the College you are responsible to become familiarized with all the contents of this Handbook and should always keep it nearby for easy reference. If there are any questions or assistance required in using the Handbook, please contact the Human Resources Office.

The policies, procedures and benefits described in this Handbook may be improved, modified or deleted at any time at the sole discretion of SCAC’s Board of Regents.

The statements in this Handbook do not create any promise or contract between SCAC and an employee that any policy or procedure will be performed in the same way in each case. Instead, this Handbook is intended to provide guidelines for hiring, employment, benefits and separation

This Handbook supersedes and replaces any prior employment handbooks or manuals used by the College. None of these policies or procedures may be amended or altered in any way by oral statements. Only written amendments by authorized management officials as approved by the Board of Regents will constitute changes to policies or procedures provided in this Handbook.

Section I. General Information

Purpose

This Handbook is intended to provide guidance and to set standards and procedures for the College Administration and all employees in the performance of their duties, and shall serve as the basis for supervision, accountability and responsibility, as well as employee grievances and remedies. Supplemental policies may be developed by the Board and its officers.

Applicable Law

This Handbook and the laws of the San Carlos Apache Tribe (the “Tribe”) govern the conduct of the College’s employees.

College Administration Rights

The policies and procedures contained herein are those of the College. The Board of Regents (“Board”) of the College and the Administration reserve and retain the sole right and responsibility to administer, manage, direct, and control the activities, and work force of the College and in their sole discretion determine what is in the best interests of the College. Nothing in these personnel policies or any personnel policy statements shall inhibit, restrict, modify, or supersede the Board’s responsibilities and authority.

The Board has delegated to the College’s Human Resources Office the day-to-day administering, interpreting and overseeing implementation of these policies and procedures. On occasion, either the Human Resources Office or Executive Orders from the President’s Office may communicate by memoranda to employees on general issues regarding policy, procedural interpretations and clarifications.

About the College

The College was established in 2014 by the Tribe. By establishing the College, the San Carlos Apache Tribe exercised its sovereign authority to promote education for present and future generations of its people.

The College curriculum reflects identified needs and interests of the San Carlos Apache Tribe and its members by offering adult basic education, vocational education, academic, cultural and community interest programs, courses and activities. Assistance will be made available by the College to the Tribe’s departments and subsidiary enterprises in staff preparation, planning, research and evaluation services according to identified needs. The College will strive to provide opportunities for individual self-improvement in a rapidly changing and technological world while maintaining the cultural integrity of the Apache people.

Vision, Mission, Strategic Goals and Philosophy

Vision

*Nnee bi'at'e'ihii nldzilgo ádantzi*h – Upholding the power of Apache Wisdom and Knowledge.

Mission

To provide the Nnee an excellent higher education experience rooted in *Nnee bi'at'e*.

Strategic Goals

To rekindle the language, traditions, and culture of the Apache People;

To ensure the institution has the policies, processes, and resources required to maximize the success of every student;

To achieve educational excellence through competitive and relevant academic programs as well as innovative teaching methods appropriate for different learning styles; and

To enable the institution to chart its own course and successfully carry out its unique mission by acquiring independent accreditation, financial self-sufficiency, and managerial autonomy.

Philosophy

The philosophy of the College focuses on the following broad areas of commitment:

1. **Students** – To provide quality and effective services to our students and the general public.
2. **Employees** – To provide opportunities for our employees to develop and succeed professionally. Each employee is committed to excellent performance. Employees are expected to treat each other and students with consideration, trust, and respect and to work together as a team.
3. **Teamwork** – We believe teamwork can and should produce more than the sum of individual efforts. Team members must be reliable and committed to the team as well as the College. Open and honest communication by all employees with each other as well as with students, the public and other external parties is essential in building trust, respect and in producing success.
4. **Needs of the San Carlos Apache and Native American populations** – To foster curricula and programs to the Associate Degree level that are designed to meet the

special needs of the Apache and Native American populations.

5. **Diversity within the College** – While the College encourages diversity its primary purpose is to meet the needs of the San Carlos Apache Community and other Native American people.

Definitions

Adjunct Faculty are temporary employees contracted by the College for a specific course instruction assignment.

Board shall mean the Board of Regents of the College.

Campus and College Premises shall mean assigned location, approved community facilities and locations, and/or other locations approved and designated for instruction or instruction-related activities. College premises include College vehicles whenever and wherever used.

College shall mean San Carlos Apache College.

Department shall mean an administrative unit or division.

Exempt employees shall mean employees whose positions meet specific tests and are exempt from overtime pay requirements.

Faculty shall mean full-time regular personnel under contract who meet the certification standards of the College and carry out the educational mission of the College.

Flex Schedule allows the days of accountability to include day, evening, weekend and recess work assignments.

Full-time employee means that an employee has a regular work schedule to work 40 hours per week.

Immediate Family shall mean the employee's parents, spouse (domestic partner), children (to include step), grandparents, children, siblings (to include half), aunts, uncles, first cousins and their spouse's immediate family. More distant relatives or significant persons in the employee's life are also included if they are a resident member of the employee's immediate household.

Probationary employee shall mean an employee who, as a condition of employment, is serving an initial hire introductory period.

Non-exempt employees shall mean employees whose positions do not meet specific overtime exempt tests established by the federal Fair Labor Standards Act, and who may be paid one and one-half times their regular rate of pay for hours worked in excess of 40 hours per week.

Part-time employee means an employee that has a work schedule of less than 30 hours

per week.

President shall mean the Chief Executive Officer or the President's designee of the College.

Regular Employee shall mean that an employee who:

- a. Works in a position which is authorized and designated as regular;
- b. Not classified as temporary; and
- c. Is not serving an initial or probationary period.

Seniority is defined as the length of full-time, continuous service of an employee since the most recent date of full-time regular employment.

Temporary employee means an employee assigned to work full-time, part-time or an intermittent or as-needed basis for a limited employment period with no guaranteed, implied, or expressed commitment of continued employment. All such employment shall be considered temporary.

SCAC shall mean San Carlos Apache College.

Tribes means San Carlos Apache Tribe.

Indian Preference

One of the goals of the College is to recruit highly qualified faculty and staff who are dedicated to the art of teaching, advising, and service specifically to the San Carlos Apache community. We are committed to not discriminating in recruitment on the basis of race, creed, color, religion, national origin, sex, age, sexual orientation, marital status, ancestry, disability or veteran status. We are equally committed to providing employment opportunities for qualified Indians, with first preference to local Indians, as part of the Nation building goals of the College in accordance with Section 7.10 of the College Charter.

Harassment

The College is committed to promoting and maintaining a productive and educational environment free of all forms of discrimination and harassment. In keeping with that commitment, The College will not tolerate verbal or physical conduct by an employee or student that harasses, disrupts, or interferes with another's work performance or education or that creates an intimidating, offensive or hostile work or educational environment.

No form of harassment will be tolerated, including harassment for the following reasons: race, clan, creed, color, national origin, religion, sexual orientation, marital status, ancestry, disability, pregnancy, age, military or veteran status or gender. Such behavior is unacceptable in the workplace and other work-related settings such as business trips and business meetings or business-related social events.

Sexual harassment is a form of sex discrimination and may involve individuals of the same sex or different sex. Sexual harassment or sexually offensive conduct, whether committed by administrators, faculty, supervisors, staff, students or non-employees is prohibited.

Sexual harassment may also include harassment where the harasser is not an employee of the College, but is a student, vendor, contractor, or a member of the general public. If an employee feels harassed by any of the individuals noted above, a complaint should be filed in the same manner as if the harassment was by a co- worker or a supervisor.

College personnel at all levels are responsible for ensuring that the work environment is free of any form of harassment, and in particular, sexual harassment. Any member of the College community, especially administrators and supervisors who believes that actions or words constitute sexual harassment, has a responsibility to report the complaint immediately to the Human Resources Office. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Human Resources Office. Any reported allegations of harassment or sexual harassment will be investigated promptly, thoroughly, and impartially.

Every reasonable effort will be made to protect the privacy and confidentiality of all parties involved in the investigation, consistent with and subject to the College's need to investigate the report or complaint and/or implement decisions made in order to resolve the report or complaint or remedy conduct that is determined to constitute discrimination, harassment or retaliation. No representative of the College is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a report or complaint, including the Complainant.

Sexual harassment includes actions that result in:

1. Requests for sexual favors;
2. Unwanted sexual advances;
3. Submission to such conduct is made with explicitly or implicitly as a term or condition of an individual's employment, or for grades;
4. Unwelcomed or unwanted conduct of a sexual nature, whether verbal or physical; Submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment; or
5. Conduct that substantially interferes with an individual's employment, education, performance on the job, or creates an intimidating, hostile or offensive work environment.
6. Examples of sexual harassment may include, but are not limited to:

- (a) Nonverbal actions such as leering, gesturing of a sexual nature, displaying of sexually suggestive objects or pictures, cartoons or posters;
- (b) Unwanted sexual advances, unwelcome touching, assault, impeding or blocking a person's movements;
- (c) Demands for sexual favors in exchange for employment benefits;
- (d) Demeaning, insulting, intimidating or sexually suggestive comments about an individual's dress or body;
- (e) Jokes, flirtations, advances or propositions of a sexual nature; or
- (f) Verbal abuse or comments of a sexual nature, derogatory comments or slurs

Harassment Complaint Procedure

Individuals who believe they have experienced conduct that is contrary to SCAC policies or who have concerns about such matters should file their complaints with the Human Resources Office.

1. An employee must begin the process by presenting a written complaint to the Human Resources Office within five (5) days after the alleged harassment.
2. The appropriate College personnel will immediately investigate all complaints of harassment in as impartial and confidential manner as possible within ten (10) working days from the date of the reported incident, and, if found to have merit, immediate steps shall be taken to end the harassment.
3. If the act alleged involves a crime of sexual assault, the matter shall be referred to the San Carlos Apache Police Department ("SCAPD") to investigate.
4. Unless otherwise required by law, the privacy of the charging party and the person accused of sexual harassment will be kept strictly confidential, except for those parties with a need to know.
5. Persons complaining of sexual or other harassment will also be protected from reprisals and retaliation by the College or co-workers as a result of such complaints. If such retaliation does occur, it will be grounds for severe disciplinary action, which may be up to and including termination of employment.

Investigation Procedure

1. The investigation process shall include, but will not be limited to the following stages:

- (a) Interviewing the complaining employee, followed by interviews with the alleged harasser and witnesses, and consider alternative actions such as temporary transfer, administrative leave or non-disciplinary leave of absence with pay to prevent further harassment pending the findings of the investigation; provided that:
 - (i) If the alleged harasser is uncooperative, she or he will be told in a non-threatening way that his or her failure to cooperate will be considered as obstructing the investigation and may result in discipline, regardless of the investigation's outcome;
 - (ii) However, to the extent possible, confidentiality will be maintained by all persons involved in the sexual harassment case, and
 - (iii) In addition, witnesses shall be told as little as possible about the details of the complaint in order to protect the confidentiality and reduce defamation claims.
- (b) The investigator should prepare and have a statement signed by each person interviewed which outlines the information they have provided – if they do not object. If they object to signing, the objection should be witnessed by a neutral individual.
- (c) Evaluating the evidence and if necessary, individuals should be questioned again based on corroborating or conflicting testimony of other witnesses. Stories may change when the parties are confronted with evidence that they hoped would not be presented. At the conclusion of the investigation, the HR Director and the Tribe's Department of Justice must decide whether the alleged sexual harassment occurred and was in violation of the Tribe's sexual harassment policy;
- (d) Taking prompt action in communicating a final decision by listing and documenting each reason for the decision and by limiting the communication to those individuals who are directly involved, along with other officials of the Tribe who have a legitimate need to know;
- (e) Consistent with provisions of due process procedures of this Manual, either party will be given the chance to appeal an unfavorable decision to the Personnel Board and to submit additional evidence;
- (f) Establishing a follow-up monitoring plan to prevent and protect against retaliation by the harasser, the harasser's friends, or by co-workers holding a grudge;
- (g) The HR Director shall make clear that the situation will be monitored for a certain period; and

- (h) Follow-up meetings with the employee who brought the complaint will be conducted to ensure that the harassment has stopped and that there has been no retaliation.

Accommodations for Individuals with Disabilities

The College is committed to providing reasonable accommodations to qualified individuals. An employee may request a reasonable accommodation at any time during employment with the College. A reasonable accommodation is any change in the work environment or a request for special equipment that result in equal employment opportunity for an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace.

Some examples of accommodations include acquiring or modifying equipment, job restructuring, modifying work schedules, reassignment to a vacant position, adjusting or modifying examinations, training materials or policies, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

The College will implement an accommodation as long as it is:

1. Reasonable.
2. Medically necessary (i.e., there is competent medical evidence establishing a relationship between the disability and the need for accommodation).
3. Does not impose an undue hardship on the College. Undue hardship is defined by the ADA as an action that is “excessively costly, extensive, substantial, disruptive, or that would fundamentally alter the nature or operation of the business.”

If an employee with a disability wants or needs reasonable accommodation, it is the responsibility of the employee to request such accommodation in writing, as well as to provide the College with documentation of the disability to the office of human resources. Supporting documentation may include medical reports of records, diagnostic evaluations, a letter(s) from a qualified medical professional or completion of the disability verification form are examples of such documentation. The College requires twenty-one working days’ notice to provide disability related "reasonable accommodation" or assistance to the person requesting accommodation, provided the accommodation does not create an undue hardship on the financial or structural operation of the College. Whenever possible, the College may provide reasonable accommodation(s) with less than a twenty-one-day working notice provided an undue hardship on the financial or structural operation of the College does not exist.

An accommodation request begins with the employee notifying a supervisor of the need for an accommodation because of limitations caused by a disability.

The employee's supervisor will then assist the employee in completing a Request for Accommodation form and submitting it to the College's Human Resources Office.

On a case-by-case basis, pending confirmation of the disability or identification of a reasonable accommodation, the employee may be assigned modified duties, for up to 10 days, depending upon the nature of the disability.

The employee will be requested to sign a Release of Information form for the Human Resources Office to obtain verification of the disability and any limitations due to the disability.

If an accommodation is approved, the Human Resource Office will notify the supervisor and the employee. The employee's supervisor will be responsible for implementation of an approved accommodation.

If the determination is made through the application of this process that the individual is not a "qualified individual", the internal process for the provision of an accommodation is concluded.

Drug, Alcohol and Smoke Free Workplace

The College has a strong commitment to the community, students and employees to provide a safe, learning and working environment. Drugs, alcohol, and smoking pose a significant threat to the College's goals. While it is not the intention of the College to intrude into the private lives of its employees, the College does expect its employees to conduct their work free from the influence of alcohol or drugs and smoking. The College will enforce the policy of a drug and alcohol-free workplace.

Any individual, who conducts business for the College, applies for a position, or conducts business on the College's property, including College vehicles, is covered by the drug and alcohol-free workplace policy. The College's policy includes all College employees.

Employees who are injured while on the job and are under the influence of alcohol or illegal drugs, may be denied benefits under Workers' Compensation.

The College's alcohol, drugs and smoke free workplace policy is intended to apply whenever employees are representing or conducting business for the College.

Therefore, this policy applies during all working hours, whenever conducting business or representing the College, and at College-sponsored events.

The unauthorized possession, use, sale, offer to sell or trade, or distribution of illegal drugs or alcoholic beverages during working hours, on College property, which includes College

owned vehicles, is strictly prohibited.

Anyone under the influence of alcohol or any controlled substance while at work is subject to immediate disciplinary action up to and including termination of employment.

Any employee who is convicted of a criminal drug or alcohol violation must notify the College in writing within five (5) working days of the conviction. The College will take appropriate action within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate. Failure to notify the College will result in disciplinary actions, up to and including termination of employment.

In the case of applicants, if the applicant violates the drug-free workplace policy, the offer of employment shall be withdrawn. The applicant may reapply after six (6) months and must successfully pass a pre-employment drug test.

Drug and Alcohol Testing.

The cost for drug and alcohol testing will be the responsibility of the applicant if he/she has a drug related conviction. If the College chooses to conduct drug and alcohol testing, the cost will be paid by the College. The College reserves the right to require a drug and/or alcohol test under the following circumstances:

- Pre-employment;
- Compliance with federal regulations and safety-sensitive jobs;
- Reasonable cause to believe the employee may be under the influence of drugs or alcohol;
- Objective evidence of drug presence in the workplace;
- After an accident, if it is believed that drugs or alcohol may be a factor; or
- As necessary after the employee's participation in a drug or alcohol rehabilitation program.

The results of all drug or alcohol tests are confirmed in writing and the applicant/employee is entitled to a copy of the results. Only those in management positions with a need to know will be informed of the results of a test.

An employee who tests positive will be given an opportunity to disclose and prove, in a confidential setting, that the results may have been caused by prescription or nonprescription drugs taken legally, or to explain other circumstances that may have caused positive results. If the positive results are not due a legal prescription, the employee will be subject to disciplinary action.

The disciplinary action is generally a minimum of two weeks' suspension without pay up to and including termination. The disciplinary action taken will depend on the circumstances and the employee's previous employment records. Refusal to take a

required test will have the same consequences as failing a test.

If an employee violates the drug/alcohol free workplace policy, the employee may be required to enter rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the College's drug/alcohol free workplace policy, will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations, rules infractions, and/or substandard job performance problems.

The College recognizes that alcohol and drug abuse and addiction are treatable illnesses. The College strongly supports the efforts of its employees to improve their physical, emotional and psychological health. In support of the College's employees, the College:

- a. Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
- b. Advises that treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment is that of the employee.

All information received by the College through the drug and alcohol-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and SCAC's policies. In addition, employees are encouraged to:

1. Be concerned about working in an unsafe environment.
2. Report dangerous behavior to their supervisor.

Communication of the College's drug and alcohol-free workplace policy is the responsibility of both supervisors and employees and is critical to the goals of the College. To ensure all employees are aware of their role in supporting the drug/alcohol-free workplace program, the College's policy will be reviewed in orientation sessions with new employees.

Criminal Offense Convictions Policy

When the College becomes aware that a current employee has been convicted of a criminal offense, either as a result of a criminal background check or through other means, the College will consider the following factors in determining continuing employment:

The nature and gravity of the offense(s), when conviction and/or completion of any related sentence occurred, and the nature of the job assignment. Current employees must self-identify within thirty (30) days of having pled no contest to, pled guilty to, or been convicted of a felony. Failure to comply with this requirement may result in immediate termination.

Criminal history record information is regarded as confidential and will be released only when consistent with applicable law.

Nepotism

If the College already employs a member of the applicant's immediate family, the applicant will not be considered for employment unless one of the three conditions below is met. These conditions are as follows:

1. The immediate family member is employed in a part-time position; or
2. The immediate family member is not directly supervised or directly affected by the supervision of an immediate member of his/her family; or
3. A related employee or board member has taken no part in the screening, interviewing, or hiring of his/her immediate family member.

Consensual Relationships

During working time and within working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so productivity is maintained. Employees are expected to maintain clear boundaries between employee personal and business interactions, and are prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on College premises or in College vehicles.

Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the College disciplinary policy, which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter. An employee's off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace.

The College prohibits any consensual amorous relationship involving a faculty member and student, supervisor and employee, or tutor, counselor and student, where the faculty, supervisor, or tutor/counselor has direct authority, influence, or responsibility with respect to that student or employee. Supervisors, managers, or anyone in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship.

Disclosure may be made to the immediate supervisor or the Human Resources Office. This disclosure will enable the College to determine whether any conflict of interest exists because of the relative positions of the individuals involved. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy. Any employee, who feels that he/she has been disadvantaged as a result of this policy, or who believes this policy is not adhered to, should bring it to the attention of Human Resources.

Outside Employment

No employee may engage in additional employment which in any manner interferes with the proper and effective performance of regular duties, or which results in a conflict of interest. All full-time College employees must recognize that their first employment responsibility is to the College and their assignments. If a full-time College employee does accept outside employment, the employee will not be permitted to use any College staff, equipment, supplies or facilities to promote or assist in his/her outside assignment. The College employee may not use the College name, logo, telephone number, or address on any material such as letterheads, business cards, or brochures in the promotion of his/her outside business or employment. Employees who hold the position of director, associate dean, dean, chief officer and president are required to annually report any outside employment. Employees with outside employment must notify their immediate supervisor in writing and complete the **Potential Conflict of Interest Form, as attached**. If the division Dean determines that such outside employment is detrimental to the College's interest, the employee shall terminate such employment

Personnel Records

Personnel files for all College employees are confidential and secured for safety in the Human Resource Office. A personnel file shall be established for each individual having a valid College contract or letter of appointment upon date of employment and said file will be maintained as a repository for official College personnel records and documents. The file shall contain all relevant, job-related documents of the employee.

It is the employee's responsibility to keep all personal information such as legal name change, address, contact phone numbers and emergency notification current in the employee's personnel file. Other changes, such as marital status, birth of children, number of dependents for tax purposes, dependents covered by medical insurance, and named beneficiaries for life insurance that affect benefits and insurance plans is the responsibility of the employee to notify the Human Resources Office promptly when such changes occur. It is the responsibility of the administrative supervisor to ensure that the Human Resources Office is notified of all other employment related changes in a timely manner. To add dependents to a medical plan, an employee must inform Human Resources within 30 days of an event such as a birth, adoption, or marriage.

Reference and credit checks and similar requests will be answered only with a statement as to whether the employee is presently employed, the employee's current or last job title, work location, and period of employment. Salary may be verified only if the employee gives written permission. Otherwise, no personal information will be released to anyone outside the College unless it is required by law.

If an active employee wishes to see his/her personnel file, contact the Human Resources Office and arrangements will be made for the employee to review it in the presence of a human resources representative. The employee may request a copy of any document contained in the

employment file or add a statement to the file if requested.

Visitors

In order to assure the safety and security of College staff, students, visitors, and its property, and to ensure that only authorized personnel have access to the facilities, the following policies have been adopted:

Employee Responsibilities: Each employee has shared responsibility for assisting in the monitoring of visitors on campus. In case of a suspicious person or activity, the employee should notify his/her immediate supervisor so that appropriate action may be initiated.

A “Visitor” sign in sheet at the front desk will be a form of monitoring. Information should include name, whom they are visiting, purpose of visit, time and date.

Personal Phone Calls

Personal phone calls during working hours distract employees from their job responsibilities and may be disruptive to coworkers. Employees should therefore limit the placing or receiving of personal calls during working hours to those required by an emergency situation.

This policy applies to the use of College phone equipment as well as cell phones. Employees are expected to inform friends and family members of this policy and will be held accountable for their actions under the company’s disciplinary procedure.

Computer Use and Ethics; Social Media

1. Policy: Use of computers, data and e-mail shall only be used for the business of the College. Computer, data and e-mail usage may be monitored at any time, even without an employee’s knowledge. Employees shall have no expectation of privacy when using computer equipment or resources provided by the Tribe.
2. Definition: The terms “computer(s)” or “electronic resource(s)” means, refers to, and includes any and all forms of computer-related equipment, tools and intellectual property, including computer systems, personal computers and computer networks and all forms of software, firmware, operating software and application software, which are owned by the College or are under the College’s possession, custody or control.
3. Conditions of Use
 - (a) Right to Protect Resources of the College. To protect the integrity of the College’s computers, information, files, data and other electronic resources against unauthorized or improper use of such resources, the College reserves the right, without notice, to limit or restrict any individual’s use, and to inspect, copy, remove or otherwise alter any data, file, or system resource which may undermine the authorized use of any computer or electronic resource. The College also reserves the

right to periodically authorize specific personnel to check any of the College's computer systems and take any other actions necessary to protect its computers and electronic resources. The College disclaims responsibility for loss of data or interference with files resulting from its efforts to maintain the privacy and security of its computers and electronic resources.

- (b) Mandatory Employee Compliance. Users of the Tribe's computers and electronic resources are required to comply with and, by using any such resources agree to comply with, and be subject to this policy on Computer Use and Ethics.
- (c) Unauthorized or improper use. The unauthorized or improper use of computers or electronic resources, including the failure to comply with the above guidelines, constitutes a violation of the Tribe's Policy on Computer Use and Ethics and will subject the violator to disciplinary and/or legal action by the Tribe. In addition, the Tribe may also require restitution for any use of service which is in violation of these guidelines.

Computer Ethics

1. Computer resources must be used responsibly by everyone, since misuse by even one individual has the potential to disrupt the Tribe's business. You are therefore required to exercise responsible, ethical behavior when using the Tribe's computers or electronic resources. This includes, but is not limited to the provisions outlined below.
2. Employees must use only those computer resources which have been individually authorized to use. The unauthorized use of computer resources, as well as providing false or misleading information for the purpose of obtaining access to the Tribe's computers or electronic resources, is prohibited and may be treated as a criminal act by Tribe. Employees must not use the Tribe's computers or electronic resources to gain unauthorized access to computing facilities of other institutions, organizations or individuals.
3. Employees may not authorize anyone to use their computer for any reason. Employees are responsible for all use of their computers. Employees must take all reasonable precautions, including password maintenance and file protection measures, to prevent use of their account by unauthorized persons. Employees must not, for example, share their password with anyone else.
4. Employees must use their computer resources only for the purposes for which they were authorized. For example, accounts may not be used for private consulting. Employees must not use their computer resources for unlawful purposes, such as the installation of fraudulently or illegally obtained software. Use of external networks connected to the

Tribe's networks must comply with the policies of acceptable use promulgated by the organizations responsible for those networks.

5. Employees must not access, alter, copy, move or remove information, proprietary software or other files (including programs, members of subroutine libraries, data, etc.) without prior authorization from the appropriate departmental supervisor or his/her designee. Employees must not copy, distribute, display or disclose third party proprietary software without prior authorization from the licensor. Proprietary software must not be installed on systems not properly licensed for its use.
6. Employees must not use any computer or electronic resource irresponsibly or needlessly affect the work of others. This includes transmitting or making accessible offensive, annoying or harassing material; intentionally, recklessly or negligently damaging any system; intentionally damaging or violating the privacy of information not belonging to the employee; intentionally misusing system resources or allowing misuse of system resources by others; or loading software or data from untrustworthy sources, such as free-ware, onto administrative or networked systems.
7. Employees are encouraged to report any violation of these guidelines by another individual and any information relating to a flaw in or bypass of computer security to the immediate supervisor or his/her designee.

Internet Usage

1. Internet access to global electronic information resources on the World Wide Web is provided by the College to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. All Internet usage is limited to job-related activities. Personal use of the Internet is not authorized.
2. All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the College and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.
3. The equipment, services, and technology provided to access the Internet remain at all times the property of the College. As such, the College reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

4. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.
5. The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.
6. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.
7. Abuse of the Internet access provided by the College in violation of applicable law or policies will result in disciplinary action, up to and including termination of employment.
 - (a) Management is also authorized to take broad disciplinary action upon substantiating widespread misuse of the Internet, computers or other electronic resources. Such broad action may, for example, include eliminating Departmental access to the Internet or instant messaging systems.
 - (b) Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action: (i) sending or posting discriminatory, harassing, or threatening messages or images, or (ii) using the organization's time and resources for personal gain.

Social Media

Employees shall not publish any report, commentary, data, photographs or information about their position, duties, functions, program or department, or the business of or government services provided by the College, on any social media platform, unless otherwise approved by their department's director.

Email Usage

1. Email communications from the College's computers or e-mail system are intended solely for business use and not for personal communications. To ensure compliance with this policy, email usage may be monitored.
2. Email or Instant Messaging may not be used to disruptively solicit others for non-business matters.

Attire

Employees are responsible for ensuring that their attire projects a professional and positive image of the College to co-workers, students, and campus visitors.

In general, employees are expected to ensure that their clothing is neat, clean, in good taste. Clothing should be comfortable and practical for work. However, clothing with words, pictures, or logos that may be offensive to others is unacceptable.

Managers and supervisors are responsible for monitoring adherence to these guidelines. If an employee's attire is deemed inappropriate, the supervisor should privately address the concern as soon as possible, seeking to work with the employee to resolve the concern by any practical means. The employee may be subject to disciplinary action, if inappropriate clothing continues to be worn.

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Section II. Employment

Employment Status

It is the intent of the College to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

Exempt and Non-Exempt

All employees are designated as either Exempt or Non-Exempt under Federal wage and hour laws.

1. **Exempt Employees** - who work in an executive, administrative, or professional (advanced knowledge in a field of science or learning acquired by a prolonged course of specialized intellectual instruction) job classification and who are not eligible for overtime pay under the Fair Labor Standards Act based on generally meeting three tests for this exemption, including the salary basis test, salary level test, and duties test.
2. **Non-exempt Employees** - who are non-exempt from the provisions of the Fair Labor Standards Act are eligible for overtime pay. Non-exempt employees shall be paid at least minimum wage and receive overtime compensation for all hours worked in excess of forty (40) hours in a workweek. If a non-exempt employee works overtime, he or she will be paid time and half or given compensatory time (see section below) for hours actually worked in excess of 40 hours in a week. Paid time off for holidays, annual or sick leave is not considered time worked.

All Employees should report vacation (annual leave), sick leave, disability leave, holidays, bereavement leave, jury duty or military leave on their timesheets.

Employment Categories

The College has established the following categories for both non-exempt and exempt employees:

1. **Regular, full-time** - Employees who are not in a temporary status and who are regularly scheduled to work a full-time schedule. Generally, the employees are eligible for the full benefit package offered by the College, subject to the terms, conditions, and limitations of each benefit program.
2. **Regular, part-time** - Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule. Regular, part-time employees, who work regularly at least 20 hours a week, are eligible for some of the benefits offered by the College subject to the terms, conditions, and limitations of each benefit program.

3. **Temporary, full-time** - Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are temporarily scheduled to work a full-time schedule for a limited duration (e.g. emergency hires). Employees who are hired to work for 30 or more hours per a week for the College for a year or more are eligible for medical benefits. Employment beyond any initially stated period does not in any way imply a change in employment status.
4. **Temporary, part-time** - Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are temporarily scheduled to work less than a full- time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.
5. **Externally Funded Personnel** - If a position will be funded totally, or in part, by a grant received by the College, the College is not obligated to continue employment of such grant funded positions.
6. **Consultants** - Consultants may be hired by the President or other Cabinet members to perform any duty not assigned to College employees. Financial commitments to a consultant require the written approval of the President or her/his designee. The College will attempt to get the most qualified consultants for the approved College project. In cases where consultants have been successful and have worked for the College previously, the College President or designee may enter directly into a contract for services with said consultant. No employee of the College shall participate in the selection, award, or administration of a consulting contract if, to his or her knowledge, any of the following have a financial interest in the contract:
 - (a) Any member of his or her immediate family as defined in Section I, M. of these Personnel Policies;
 - (b) His or her partner;
 - (c) An organization in which any of the above is an officer, director, employee; or
 - (d) A person or organization with which any of the above individuals is in negotiation with or has an arrangement for prospective employment.
7. **Student Worker** - Part-time, non-benefitted, temporary positions hired to assist departments in supporting department workloads. Persons hired into student employment positions must be enrolled in six or more credits and have a minimum GPA of 2.0. Enrollment requirements may differ based on the funding restrictions of the positions and/or the residency status of the incumbent. Student employment positions may work up to 20 hours per week and not eligible for College benefits.

Student employment is limited to eight semesters of employment or three academic years and summer terms.

Compensation

1. Compensation Objectives

- Attract and retain qualified people;
- Maximize use of limited fiscal and human resources;
- Provide consistent application of compensation policies;
- Obtain the most effective results from individual pay decisions;
- Develop and maintain equitable pay relationships;
- Provide incentives for good performance; and
- Comply with the laws of the Tribe, State, and Federal governments.

2. Salary Classifications

The College is establishing ranking method for salary classifications. The positions will be ranked within the groups of Administrators, Faculty, and Exempt and Non-exempt staff. Job related factors taken into consideration when ranking positions are:

- (a) How decisions of the position affect the College;
- (b) Special skills required for the position;
- (c) Education and training;
- (d) Level of supervision required/given;
- (e) Contact with the students and the public;
- (f) Executive as may be negotiated by the Board for the President, and by the President for other executive staff.

The Human Resources Office and the President place each position within the salary schedule of the College. After conferring with the administrator in charge, utilizing the job description, assessing the target population and surveying the salary requirements, a salary determination will be made for the position.

3. Salary Schedules

Salaries for the different positions are determined by surveying the salaries of employees in similar positions in the recruitment area and at other tribal and community Colleges of similar size and/or environment (i.e. remote educational institutions, student enrollment, and schools with similar funding). Established criteria and the ability of the College to pay the salaries will determine the salary schedules. Salary schedules are developed for each employee category.

Employment rate - The rate of pay for newly hired employees is normally at the entry level of the classification. Hiring above the entry rate will be on an exception basis only, with the approval of the President or President's designee, and based on legitimate business or recruitment needs and/or the qualifications and abilities of the person selected. The President has the discretion to place new employees up to a maximum of 5% above entry level.

4. Salary Increases

- (a) Annual Increases - Based on funding availability, the Board may approve an annual salary increase, effective on July 1st or upon the employee's one-year anniversary. Eligible employees included regular full-time and part-time staff and faculty.
- (b) Cost of Living Adjustment - When cost of living adjustments are made, the base is increased by the given percentage. [limits on COLA increases and that information needs to be shared. Lou shares that there needs to be an appointment letter and the need to be more items to be listed in this manual]
- (c) Pay Progression - Combination of a cost of living adjustment and performance recognition. It allows for an increase in pay for an eligible employee who demonstrates satisfactory job performance in the assigned position through a written performance appraisal.
- (d) Promotion - Upon promotion to a classification in a higher salary range, an employee shall be placed on the appropriate level, based on education, experience and/or evaluation.
- (e) Maximum Salary Range - When an employee reaches the maximum salary on the salary schedule, the salary will be "frozen" until such time that a cost of living adjustment is made to increase the overall salary schedule unless otherwise determined by the Board.

Recruitment and Selection

1. In-House. Notices of position vacancies for full-time employees shall be advertised In-House for five (5) working days. An applicant must be a regular full-time employee and be employed in the same position for six (6) months prior to applying for a vacancy. At the discretion of the President, an employee of less than six (6) months may be permitted to apply for a full-time vacancy, based on the best interest of the College.
2. External. At the discretion of the President, vacancies for Vice President, Dean, Department Chair and other high level positions may be simultaneously advertised internally and at the local, state, and national levels.
3. Other. For all other positions, if there are no interested or qualified "In House" applicants, the position announcement will be distributed periodically within the

recruitment period to ensure timely receipt of said announcement and be advertised at the following locations and agencies for a minimum period of at least fifteen (15) working days:

- (a) San Carlos Apache Tribe and subsidiaries;
 - (b) Tribal Human Resources Offices and Tribal Employment Rights Offices;
 - (c) College Administrative Offices, Indian Centers, electronic mailings, postings, KYAY-FM, and job fairs; and
 - (d) The Apache newspaper(s) and any other appropriate means to reach the Native American population
 - (e) Arizona Colleges and universities
 - (f) Local, State, and National publications and newspapers.
4. Transfer. In some circumstances, a current employee may transfer, or be requested to transfer to another position based on the organizational needs of the College. The employee must still meet the qualifications of the position to be transferred in-house.
5. Application Procedures.
- (a) Applicants for full-time positions must submit a completed SCAC application for employment, resume, degree transcripts, certificates, a list of two (2) references (name, position, organization and work phone numbers) familiar with the applicant's knowledge, skills, abilities, qualifications, and work performance, and two (2) letters of recommendation dated within the last two years. If claiming Indian Preference, a copy of certification or enrollment card must be submitted to the Human Resources Office. Applications will be placed in a recruitment file.
 - (b) The Human Resource Office will forward all applications to the hiring supervisor for review and selection of interviewees. Interviews will be conducted according to applicable Tribal and Federal Regulations.
 - (c) The hiring supervisor will appoint a committee to review applications, check references, and interview the candidates. Alternatively, the HR Office may agree to check the references provided by the candidate. References will be checked before interviews are conducted. The committee as a whole will make a recommendation to human resources to hire the desired candidate. The president will review the recommendations and indicate concurrence or otherwise.
 - (d) The hiring supervisor will notify the selected applicant. Upon the applicant's acceptance of the position, the Human Resources Office will initiate background checks and fingerprint clearance card via a third party contractor when required for the position. Applicants not selected will be notified in writing by the Human

Resources Office once the position has been filled.

6. **Faculty Hires.** For faculty hires, the College's Provost will certify faculty as qualified based on the specific criteria and approved by the Board of Regents. The Office of the Provost is responsible for determining faculty qualifications and ensuring that Higher Learning Commission (HLC) guidelines are followed. Applications and credentials for full-time and/or adjunct faculty employment will be reviewed by the Provost. The Provost and full-time faculty will determine whether applicants meet HLC qualifications and will notify the HR office of their findings in writing. In addition, the Provost and full-time faculty will review the credentials of adjunct faculty in order to certify whether or not adjunct faculty are qualified to teach specific courses offered by SCAC. The forms documenting faculty approvals will be kept in adjunct faculty personnel files and a copy will be kept by the Provost.
7. **Notice of Appointment.** The Human Resource Office shall notify the new employee in writing of the employee's selection, salary, and the date and time the employee is to report to work and any Orientation activities.
8. **Background Checks and Fingerprinting.** Employees for some positions, to include Faculty are required by law to be fingerprinted for the purpose of a background investigation as required by applicable Tribal, Federal and State statutes or ordinances and as required by the Human Resource Office. The College will have the financial responsibility for covering the costs associated with background checks and fingerprinting.
9. **Appointment of Part-Time and Temporary Positions.** The President may make temporary appointments. If a vacancy occurs in a full-time or new position and it is critical that the position be filled immediately, the President may make a temporary appointment to fill the position. However, the position must be advertised, and regular procedures followed to hire an individual as a full-time regular employee. These appointments of part-time and temporary positions are typically six (6) months or less.
10. **Qualifications and Selection Criteria.** One of the goals of the College is to recruit highly qualified faculty and staff who are dedicated to the art of teaching, advising, and service specifically to the San Carlos Apache community. The College is committed to not discriminating in recruitment on the basis of race, creed, color, religion, national origin, sex, age, sexual orientation, marital status, ancestry, disability or veteran status. The College is equally committed to provide employment opportunities for members of the San Carlos Apache Tribe as part of the *nation-building* goals of the College.

New Position Requests

The following process will ensure that the President, Chief Financial Officer, Human Resources, and Board of Regents are informed of all new positions to ensure sound decisions:

1. The requesting Supervisor will submit a position justification and drafted job description to the Human Resources Office.
2. The Human Resources Office will conduct a salary survey to determine the salary structure and share the information with the Supervisor.
3. Approval for the new position will be based on funding, College goals and objectives, need, and space allocation. The Board must approve all new positions.

Board of Regents Applicant Requirement

A member of the Board may submit an application for a full-time position provided the Board member has resigned from the Board prior to applying for the position and does not take part in the selection process.

Bonded Requirement

All employees responsible for the handling of money or materials of value must be bonded. Failure to be bondable is not in itself a disqualification for employment if such a job is below the rank of supervisor and is not in the Business Office.

Non-discrimination Policy

The College is committed to a program of equal opportunity for education, employment, and participation in College activities without regard to race, color, gender, age, religious creed, political ideas, marital status, disabilities, sexual orientation, national origin or ancestry. Title IX of the Educational Amendments of 1972 (20 U.S.C. §1681, *et seq.*) specifically prohibits discrimination in education programs and activities on the basis of gender. The regulation extends to employment of personnel and admission of students to the College.

Conditions of Employment

2. Orientation: Human Resources personnel will assist a new employee in completing forms and inform the employee of the San Carlos Apache Tribe about course requirements, relationship of programs, organizational structure, policies and procedures, the employee's rights, benefits, and job description details. The employee's immediate supervisor shall orient the new employee on specific duties, goals and priorities of the College, and introduce the new employee to campus personnel.

3. **Strongly Recommended Courses (Apache History and Language Courses):** All regular full-time employees will be strongly encouraged to take and successfully pass a minimum of one course in Apache culture/history/language during the first year of employment. These courses cannot be audited. The only exceptions granted will be if the employee can demonstrate to Human Resources that these requirements have been satisfactorily met, or if the employee's position makes it difficult for him/her to dedicate the time required to complete this course. Requests for an extension to complete the course may be submitted to the President and approved at his/her discretion. Upon completion of the required course, or approvals for extensions, employees must submit a copy to the Human Resources Office for filing.
4. **Employee Contracts:** Employee contracts will supersede personnel policies where applicable. Upon acceptance of an appointment at the College, administrative and faculty employees shall be issued contracts. Contracts shall include: the beginning and ending dates of the contract period, amount of remuneration, position title, signature of the hiring authority, signature of the employee, and reference to the job description, employee benefits, and holidays. The original contract will be filed in the employee's personnel file and a copy will be issued to the employee.

Mandatory Vaccination Policy

All new employees are required to comply with the vaccination requirements outlined in the Mandatory Vaccination Policy available through the HR, including providing proof of vaccination. Employees who exclusively work remotely may be exempted from this requirement. The full policy is available through the HR Office.

Job Description

Each identifiable position with the College shall be described in writing by a job description containing the following:

1. Position title, classification and salary;
5. General statement of duties;
3. Specific area of duties;
4. Supervision extended;
5. Qualifications.

The writing of job descriptions and their annual updating is the responsibility of the Human Resources Office. The position's supervisor will submit a job description draft for a new position and/or recommendation for modifications of current positions to the Human Resources Office. Final drafts will be reviewed and concurred upon by the President and the position's supervisor. The President shall have final approval/disapproval authority subject to the concurrence of the Board.

Initial or Probationary Period

All employees will serve an initial or probationary period beginning with the first day of employment and ending 90 calendar days later. During this time, the probationary employee is an “at-will” employee and must demonstrate ability to perform the duties described in the position description, cooperate with co-workers and supervisor(s), and prove a capacity to work within the College’s structure. At the end of the probationary period, the immediate supervisor is required to render a performance appraisal and, on the basis of the appraisal, notify the employee in writing of his/her status for:

1. Continuation of employment; or
2. Extension of the introductory period; or
3. Termination.

An employee may be dismissed during the introductory period and is not eligible to utilize the College’s grievance procedures.

An employee’s annual and sick leave will accrue from the date of hire. If sickness or other unforeseen circumstances interrupt the employee’s introductory period, it shall be extended to include the length of the interruption.

During the employee’s introductory period it is the responsibility of the supervisor to assist the employee in adjusting to his/her job. If the supervisor deems that the employee is not suited for the job, the supervisor must advise the employee in writing what specific improvements need to be made. Upon satisfactory completion of the employee’s introductory period, the employee will acquire regular employee status.

If the supervisor believes the employee is not performing adequately and extends the introductory period, the supervisor must advise the employee in writing of specifically needed improvements. The supervisor will place the employee on an extended introductory period to make the needed changes and inform the Human Resources Office.

Professional Development

The College shall, within its budgetary limitations, send its employees to seminars, workshops, classes, and other professional development opportunities that are sponsored by local higher institutions or other agencies; insofar as such sessions will increase employee skills. The department dean or a designee, in cooperation with supervisors, will be responsible for determining appropriate professional development activities within the departments. Employees are encouraged to first attend classes that are available at the College before looking to other institutions.

Performance Appraisal

Each new full-time regular exempt/non-exempt employee will be evaluated by an

immediate supervisor at the end of the employee's introductory period and thereafter on an annual basis. All employees are to be evaluated annually. The performance evaluation is used to inform the employee of how well the employee is meeting job related performance standards in relation to:

6. The College's mission, vision, goals, objectives, and values;
7. Improved performance by supplementary education, if necessary;
8. Providing information on salary level and possible increments based upon performance; and
9. Evaluating possibilities for promotion or transfer.

The completed evaluation must be signed by the employee and the employee's immediate supervisor. If the employee disagrees with the accuracy of a statement on the performance evaluation a written rebuttal shall be attached to the official file copy of the evaluation in the employee's personnel file. The immediate supervisor may change the initial rating based on the employee's written rebuttal or other factual information, or keep the same rating. The completed evaluation form, signed by the employee, and the employee's current position description shall be placed in the employee's personnel file within 30 calendar days of the evaluation.

Hours

Unless otherwise specified, all administrative, exempt and non-exempt, full-time regular employees will work a 40-hour week, eight (8) hours per day, Monday through Friday. The workday begins 8:00 a.m. and ends at 5:00 p.m. with one hour for lunch and one 15- minute break in the morning and one in the afternoon. Staff and faculty may be assigned evening hours and/or weekend hours to support evening classes and library operations.

Remote work or telework arrangements, both those that are temporary or more routine in nature, shall be at the discretion and approval of an employee's supervisor, and subject to the needs of the College.

Resignation

Unless otherwise specified, if a contract employee wishes to voluntarily terminate employment, or change status, the employee shall submit a request to the supervisor for release from the contract at least 20 working days before the proposed resignation.

A non-contract employee should notify his or her immediate supervisor in writing at least 10 working days before his/her planned last day of employment. If an employee is considered to be in a good standing, he or she will be granted payment of unused annual leave and other applicable benefits. If the employee is not found to be in good standing, the employee will not be granted any unused annual leave or other applicable benefits.

The resignation letter shall be placed in the personnel file. If an employee fails to submit the required notice, he or she will be deemed to not be in good standing.

Resigning employees are responsible for returning all property, materials, and other such items issued to them or in their possession or control including but not limited to: keys, laptop computer or other mobile computing device, or credit card to their supervisor and consult with Human Resources regarding any benefits upon separation including retirement and options for continuing health and benefits.

Involuntary Termination of Employment

All involuntary terminations must be approved by the employee's supervisor, and coordinated with the Human Resources Office and the College President and processed in accordance with the provisions outlined in this policy. Notwithstanding the foregoing, should a supervisor be present when serious misconduct occurs, he/she may immediately suspend the employee, pending an investigation and notification to the Human Resources Office.

When the College initiates a termination, the termination is considered involuntary. The College will inform the employee of the reason for termination. The date of separation will be the employee's last day worked. Employees whose termination is considered involuntary will not receive accrued annual leave.

Job Abandonment / Absence and Tardiness

If an employee is absent from work for any reason, the employee must notify his or her supervisor as far in advance as possible.

Employees are expected to be punctual in reporting to work. The College recognizes this may not always be possible due to circumstances beyond an employee's control. Employees are to notify their supervisor if they expect to be late. If advance notification is impossible, the employee must discuss the matter with his or her supervisor as soon as the employee arrives at work. If the employee is ill, the employee may be required to provide a medical physician's letter affirming the need for the absence from work.

The College's success is based on the daily contributions of employees and their colleagues. Absenteeism or tardiness may interfere with the employee's contributions and those of fellow employees and can lead to disciplinary action up to and including dismissal.

An employee should notify her/his supervisor regarding tardiness or an absence 30 minutes prior to the employee's start time. An employee who fails to report to work and fails to notify his/her supervisor of the reason for absence from work for three (3) consecutive workdays will be considered to have abandoned his/her job. The employee is deemed to have quit and will be terminated immediately. If it is determined that there were extenuating circumstances for the absence and failure to notify, the employee will be reinstated.

Holiday Pay

In order to receive pay for a recognized holiday, an employee must be in work or paid leave status on his/her scheduled workday immediately preceding and immediately following the holiday. The College follows its approved Academic Calendar. The College will recognize and observe any other day that is established as a holiday by the Board. The following are paid holidays for eligible employees until further notice:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Apache Independence Day
- Juneteenth Day
- Veterans Day
- Thanksgiving Holiday
- Native American Heritage Day
- Winter Break

When a holiday occurs during annual leave, the holiday is not considered an annual leave day. Employees receive straight-time pay for holidays when the holiday or recognized day for the holiday falls on the employee's regular workday.

Payroll Deductions

Automatic payroll deductions are made for the following:

- Social Security and Medicare
- Federal Income Tax;
- Arizona State Tax (for employees paying State Income Tax);
- Other deductions – additional insurance, contributions to College programs; 401(k).

Time Recording

All timesheet records must be entered in accordance with the established timeframe prior to payday unless stated otherwise. Failure to comply with the deadline may result in a delay of payment of due wages. Submission of hours is a shared responsibility between the employee and the supervisor. Accurately recording time worked is the responsibility of every employee. The College will keep an accurate record of time worked in order to calculate employee pay and

benefits. Time worked is the time actually spent on the job performing assigned duties.

10. Hours of work. The normal workday of a full-time employee shall be eight (8) hours per day and forty (40) hours per week, except on occasions where the best interests of the College is served by extended or different hours of work. The immediate supervisor may approve the use of flex or modified work schedules.

Employees must record the number of hours worked utilizing the College's payroll processing system and policies. Employees must also record the number of hours worked for any split shift or departure from work for personal reasons. Overtime work must be approved in advance by the employee's supervisor. Tampering with, altering or falsifying time records, or recording time on another employee's time record is not allowed and will lead to disciplinary action up to and including termination of employment. If corrections or changes are made to the employee's time record, both the employee and the supervisor must verify the accuracy of the change. All time records are legal documents and must accurately reflect the hours worked to include paid time off (vacation and sick time) for each employee.

11. Flextime. Unless otherwise specified, the operating days and hours of the College are Monday through Friday, 8:00 am to 5:00 pm. All employees are expected to be at work during these hours unless approval is granted for a flexible work schedule (flextime). Flextime at the College is a work schedule with time of arrival and departure that differs from the standard operating hours by not more than two hours. For example, a typical flextime arrangement is arrival at 10:00 am and departure at 7:00 pm. Supervisors approve flextime on a case-by-case basis. Full-time employees who have completed at least six months of employment are eligible for flextime. The employee must first discuss possible flextime arrangements with his/her supervisor and then submit a written request using the Flextime Request Form. The supervisor will approve or deny the flextime request based on staffing needs, the employee's job duties, the employee's work record, and the employee's ability to temporarily or permanently return to a standard work schedule when needed. A flextime arrangement may be suspended or cancelled at any time with proper notification to the employee.

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Section III. Benefits

Benefits

All full-time regular employees of the College will be offered medical, dental, vision, short term and long-term disability and life insurance offered by the College. Full-time and part-time regular employees will also be eligible for the College's 401(k) plan on the first of the month following thirty (3) days of employment as a regular full-time employee.

Adjunct faculty and temporary employees are not eligible for benefits through the College.

The College offers medical, dental, vision, short-term and long-term disability, and life insurance and 401(k) benefits, while an employee is disabled or unable to work up to 6 months. Accrued annual leave and sick leave may be used to supplement workers' compensation. Employees will not accrue annual and sick leave, nor receive holiday pay, during a leave without pay status. Dependent coverage will be at the employee's cost.

If the insurance company accepts the claim as being valid, medical costs will be covered to any extent established by law. Employees receive compensation for lost wages or salary from the insurance company according to the following schedule:

- Employees who miss work during seven or less consecutive calendar days, beginning the first calendar day following the incident, receive no compensation.
- Employees who miss work during the eight to fourteen consecutive calendar days following an incident receive two-thirds of their base wage or salary beginning on the eighth calendar day following the incident.
- Employees who miss work for fifteen or more consecutive calendar days receive two-thirds of their base wage or salary beginning on the first calendar day following the incident.

Workers' Compensation

The College provides a comprehensive Workers' Compensation Insurance program at no cost to employees. This program covers any injury or illness suffered in the course of employment that requires medical, surgical, or hospital treatment. As required by law, Workers' Compensation Insurance provides benefits after a short waiting period. No matter how slight an on-the-job injury may appear, it is important that it be reported to your supervisor immediately. The necessary forms to report a work-related injury or illness are available from Administrative Assistants and the Human Resource Office.

12. Employee Responsibilities. The employee will complete a report and submit it to the

Human Resources Office within twenty-four (24) hours of the incident. An employee who suffers a work-related injury or illness must inform his or her supervisor immediately. Any employee who fails to report a work-related injury or illness immediately may later be determined to be ineligible for Workers' Compensation benefits. Injured employees are required to keep the College's Human Resources Office advised of their status either in writing or via telephone call. Continued eligibility for Workers' Compensation may require periodic medical examinations of the employee by a physician of the College's choice on a periodic basis. A "Return to Work Certification" must be submitted to the Human Resource Office before returning to work. If an injury or illness is treated and the proper paperwork is processed, and it is determined it is not necessary for the employee to undergo further treatment, the employee will be covered if additional medical attention becomes necessary at a later date. Employees who are injured while working under the influence of alcohol or illegal drugs may be denied benefits under Workers Compensation.

13. Supervisors' Responsibilities. The Supervisor's Report of Injury must be submitted to the Human Resources Office within twenty-four (24) hours of the incident. Forms are available from the Administrative Assistants and the Human Resource Office. Supervisors will complete a report and submit it to the Human Resources Office within twenty-four (24) hours of being informed by an employee of any exposure to blood, chemically harmful or potentially infectious materials. The employee will also complete a report and submit it to the Human Resources Office within twenty-four (24) hours of the incident.
14. Human Resources Office Responsibilities. The Human Resources Office will stay informed of the employee's status while on Workers' Compensation

Tuition Assistance Program

The Tuition Assistance Program was established to provide employees with an opportunity to further their education in pursuit of a degree from an accredited institution, or courses related to their professional development.

Full-time and part-time staff and faculty members with a minimum of 12 months of continuous employment, with a good record and no disciplinary actions in the last six months are eligible. The employee must have already applied for a scholarship through the Tribe's scholarship office, if eligible, and applied for financial aid through the institution's financial aid office. Temporary employees are not eligible. Approved tuition for external coursework is provided on a reimbursement basis for courses completed with grades of C or higher.

Additional information regarding qualifications and application process can be obtained from the Human Resources Office.

Tuition Wavier

The Tuition Wavier allows employees, who do not have a transferable Associate degree but are in pursuit of a SCAC Associate degree, to attend one class per semester at the College without tuition expense or fees. Employees (except for temporary employees) are eligible upon completion of their introductory period. Employee eligibility for the tuition waiver is subject to achieving a passing grade in the class.

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Section IV. Leave

Administrative Leave

Administrative leave with pay is at the discretion of the President or his/her designee. Administrative Leave shall be granted under unusual or extraordinary circumstances as determined by the President or his/her designee. No division or department may close without prior authorization from the President or his/her designee.

Annual Leave

Annual leave for full-time non-faculty employees is accrued at a rate of six (6) hours per pay period and part-time staff rate of accrual is proportionate to their regular assigned hours compared to the standard full-time schedule of forty (40) hours per week from the date of employment. Employees may carryover a maximum of 80 hours in the calendar year accrued.

After four (4) years of employment, full-time employees will accrue annual leave at a rate of seven (7) hours per pay period and part-time staff will accrue annual leave at a proportionate rate with a maximum carryover of 120 hours in the calendar year accrued.

After ten (10) years of employment, full-time employees will accrue annual leave at a rate of eight (8) hours per pay period and part-time employee will accrue annual leave at a proportionate rate with the same maximum carryover of 120 hours in the calendar year accrued.

The maximum accumulation of carryover hours for each full-time non-faculty employee shall not exceed 240 hours (six work weeks not including holidays) of annual leave and part-time employee shall not exceed 120 hours of annual leave. Annual leave cannot be accrued by or granted to temporary employees or adjunct faculty employees.

An employee may use annual leave upon accrual after thirty (30) days of satisfactory service. An exception to the thirty (30) days is if there is a pre-arranged annual leave agreement with the hiring supervisor. If an employee terminates in good standing, he or she will receive pay for unused, earned annual leave, except as provided by these Personnel Policies.

Employees do not earn annual leave hours when they are not working while on, worker's compensation, family leave, or disability programs, or when on certain other types of leave to include leave without pay. Employees should consult their personnel policies and the Human Resource office for clarification.

Request for Leave

All annual leave requests require the employee to submit a "Time off Request" two (2) weeks prior to the requested leave time. Exceptions may be granted for emergencies.

Granting Annual Leave

The immediate supervisor may approve annual leave online for all eligible personnel.

Personnel are encouraged to plan annual leave time with their supervisor and others affected by the employee's absence, subject to the immediate supervisor's approval. In the event of conflict among the staff for leave time, the supervisor will make the determination if leave is granted and to whom.

Disapproval of Annual Leave

Annual leave requests made after the fact may not be approved, unless the employee supplies proof of an emergency to the supervisor. The supervisor has discretionary authority to approve or disapprove leave in an emergency situation. If disapproved, the employee will be charged leave without pay in addition to any applicable disciplinary action as warranted.

Sick Leave

All full-time employees of the College will be eligible for sick leave accrued at the rate of three (3) hours per pay period from the date of employment. Part-time employees accrue sick leave hours at a proportionate rate per pay period from the date of employment. Sick leave will not be earned during a pay period in which the employee has taken leave without pay, or is on industrial, disability, unpaid family leave or other leave programs. An employee will forfeit all unused sick leave upon the termination date of employment at the College.

The use of sick leave will be governed by the following policies:

15. Sick leave may be used in case the of necessity when the employee is ill, injured, or disabled or when illness or injury of the employee's dependent or adult children, other legal dependents, spouses or parents requires the employee to be absent from work.
16. To use sick leave to care for a dependent or adult child or legal dependent other than a child, spouse, or parent, the employee must supply to the supervisor a physician's statement that confirms that the employee's assistance is required. The College reserves the right to request proof of legal dependency.
17. An employee on sick leave for more than three (3) consecutive days must submit a doctor's statement to the Human Resources Office. Before returning to work, an employee who is absent for more than one week because of illness or injury normally will be asked to submit a physician's statement that the employee is able to return to work.
18. When an employee expends all sick leave, annual leave may be used. When all forms of paid leave have been exhausted, the employee may use donated sick leave. When the donated sick leave has been expended the employee may be placed on leave without pay until the employee returns to work, subject to the immediate supervisor's approval and documentation from the Employee's physician.

Donated Leave

An employee may donate up to 50% of accrued unused sick leave to another employee. If the employee has less than 40 hours of accrued unused sick leave, he/she may donate up to 50% of accrued unused annual leave. The decision to donate leave to an eligible recipient should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave shall be subject to disciplinary action and any prior agreement made to donate leave under these conditions shall be void. The College authorizes the voluntary transfer of leave between employees in situations meeting all of the following requirements:

1. Eligibility

- (a) Recipient must be a full-time regular employee and have worked for the College for a minimum of one (1) year;
- (b) Have exhausted all forms of accumulated sick, annual, and other paid leave;
- (c) Not be receiving any other form of long-term disability, social security disability, disability compensation through any retirement plan, or Workers' Compensation benefits;
- (d) Is experiencing a serious incapacitating sickness or injury (employee is unable to perform all the duties of the position held at the time of the injury or upon inception of the illness, and is unable to perform available light duty work), and the anticipated duration of incapacitation is of more than fifteen (15) working days as confirmed in writing by a physician chosen by the employee, subject to reconfirmation by a physician chosen by the College.

2. Recipient - Must obtain a physician's statement confirming the illness or injury and its anticipated duration and complete the sick leave donation request form. Return the form to the Human Resource Office. Employee must exhaust the balances of accumulated sick and annual leave, and any other leave, prior to actually receiving donated sick leave hours. An eligible employee receiving donated sick leave days will not accrue additional leave for those days.
3. Donor - Complete the Sick and Annual Leave Donation Request Form and return to the Human Resource Office.
4. Process - This program is strictly a voluntary program; therefore, the College does not guarantee that applicants whose situations warrant participation in the program will receive the requested sick or annual leave. The Human Resource Office will publicize at the request of the recipient, the need for such leave for qualifying requests. The Human Resources Office will not "bank" donations. Unused donated leave will be returned to the donor(s) after 90 days. The HumanResource Office will then request the Finance Office to transfer the days and adjust sick leave balances accordingly.

Emergency Administrative Leave

The President or the President's designee, because of inclement weather or emergencies arising from disasters such as fire, flood, and other natural phenomena, may grant an employee administrative leave. This policy is based on and consistent with the following federal regulation, 2 CFR 200.431(a).

1. In response to national, tribal or local emergency declared by the San Carlos Apache Tribe or the U.S. government, the President of San Carlos Apache ("College") is authorized to grant Emergency Administrative Leave, including Paid Administrative Leave, to College Employees when:
 - (a) The President has determined such Leave is necessary to protect the health and safety of College employees, students, or the communities served by the College; and
 - (b) The period for which the Emergency Administrative Leave is granted is the minimum amount of time necessary to achieve the interests set forth in this policy, based upon the facts known at the time the leave is authorized; and
 - (c) There are no other effective alternatives available such as authorizing work from home or altering the location of work for the employees who are granted Emergency Administrative Leave.
2. Prior to making a determination under subsection 1 above, the President shall ensure that:
 - (a) The College has in place an established written leave policy that allows for Paid Emergency Administrative Leave (e.g., this section);
 - (b) The costs of such leave are equitably allocated to all related activities, including Federal awards; and
 - (c) The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.¹
3. The President will issue written notification to affected employees specifying the:
 - (a) Employees granted Emergency Administrative Leave by class or title;

- (b) Basis for granting Emergency Administrative Leave under this Policy;
- (c) Duration of the Emergency Administrative Leave.

- 4. The President has the authority to enact intermittent or ongoing, as relevant, Emergency Administrative Leave to all or classes of employees in response to any pandemic that requires social distancing as a mechanism to prevent the spread of a virus.

The President shall notify the San Carlos Apache Board of Regents in writing within 48 hours when any Emergency Administrative Leave has been granted. Such notification shall include assurances that the College is in compliance with subsection B, above.

Bereavement Leave

Paid bereavement or funeral leave can be granted when there is a death in the immediate family of the employee for a maximum of five (5) days leave with pay. All full-time regular employee's household/immediate family shall mean the employee's parents, spouse (domestic partner), children (to include step), grandparents/children, siblings (to include half), aunts, uncles, first cousins and their spouse's immediate family. More distant relatives or significant person in the employee's life are also included if they are a resident member of the employee's immediate household. The employee must arrange for bereavement/funeral leave with the employee's supervisor or department head.

Family and Medical Leave Act Policy

The Family and Medical Leave Act (FMLA) of 1993 grants eligible employees (after 1250 hours of employment) up to twelve work weeks of unpaid leave within a twelve- month period. Leave may be taken intermittently or on a part-time basis under certain circumstances. An amendment to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181 expanded it to include military family leave entitlements. FMLA leave may be requested:

- a. For the birth and care of a newborn child or care of a child newly placed with the employee for adoption or foster care;
- b. For a serious health condition that makes the employee unable to perform any one of the essential functions of the employee's job;
- c. To care for the employee's child, other legal dependent, spouse, or parent with a serious health condition; or
- d. For qualifying exigencies while the employee's spouse, son, daughter, or parent is on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

For an employee who is the spouse, son, daughter, parent, or next of kin of a caring for a covered military service member or veteran recovering from a serious injury or illness, as defined by FMLA's regulations up to a total of 26 workweeks of unpaid leave during a "single 12 –month period" Family and Medical Leave Act is unpaid leave and must be substituted with accrued paid leave.

The employee must exhaust sick leave then annual leave. Once sick and annual leave has been depleted, FMLA entitlements will become leave without pay. Any preapproved FMLA leave that is later determined to not be a FMLA qualified absence, will be converted to leave without pay and the employee could be subject to disciplinary action depending on the circumstances.

The employee's health benefits will be maintained as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, TOCC will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay his or her portion of the premium through a prearranged agreement with Human Resources.

At the end of the leave granted under the FMLA, subject to SCAC rights as an employer under Section 104 of the FMLA, an employee will be entitled to be restored in the employee's prior job or to an equivalent position with equivalent pay, employment benefits and other terms and conditions of employment at the College.

An employee with a FMLA-qualifying reason should contact the Human Resources Office and the employee's immediate supervisor regarding a need for FMLA leave. The employee will be provided San Carlos Apache College's Family Medical Leave Act policy and procedures. The supervisor and others involved must maintain confidentiality with regard to personal and/or medical documents. Copies of the employee's medical reports may not be retained in the supervisor's office.

Voting Leave

An employee who is a registered voter may, on Election Day, take leave with pay for two (2) hours as specified by the employee's supervisor.

Jury Duty- Civic Leave

When an employee is obligated for jury duty, the employee will be allowed time off. The employee shall submit jury duty letters and documentation to the employee's supervisor or department dean. It is the employee's responsibility to inform the supervisor or department dean of the dates of jury service as soon as they are known. When jury service is completed before the end of the employee's regular work hours, the employee is expected to call his/her supervisor or department head to determine if the employee should return to work that day. Employees will retain jury mileage fees.

Military Leave

A full-time employee who is a member of any component of the United States Armed Forces shall be allowed a leave of absence for a required training or duty for a period not exceeding twenty-two (22) working days during one calendar year. In the event that the time of such training is optional, the time shall be designated at the discretion of the supervisor. Such leave will be with full pay, less that which the employee receives from the military for service while on military leave. Employees called to participate in military training are required to furnish their supervisor and the Human Resources Office with certification, normally copies of official military orders.

Educational Leave

Educational leave with pay, not exceeding three (3) hours per week, may be granted to employees during their introductory period for class attendance at approved educational institutions, when the education is to the benefit of the College and the employee's professional development. Full-time employees, upon passing the introductory period may be granted educational leave with pay, not exceeding six (6) hours per week.

The President or supervisor must approve any educational leave exceeding six (6) hours per week. Employee's class schedule must be approved by supervisor prior to the start of the semester. Educational leave for online courses must be negotiated with supervisor prior to the start of the semester.

Extended Education Leave

All requests for extended Education Leave, which is defined as more than ten (10) working days, with or without compensation, can be given for College education, travel, internship, and personnel exchanges with other agencies. All requests are subject to the consent of the supervisor. The President has the discretion to grant extended educational leaves.

Cultural/Religious Leave Policy

The College recognizes that the promotion of traditional Apache customs and traditions is in the best interests of the College and has therefore established a policy granting ceremonial leave with pay in accordance with the procedures outlined below.

1. Leave with pay will be granted for Regular employees who participate in traditional ceremonies as follows:
 - (a) Medicine Man for Sunrise Dance: 3 days
 - (b) Medicine Man for Crown Dancers: 3 days
 - (c) Crown Dancers: 3 days
 - (d) Sponsors: 5 days
 - (e) Co-Sponsors: 5 days

2. Employees who wish to take ceremonial leave as outlined above shall give reasonable written notice to his or her immediate supervisor. Reasonable written notice is defined as a minimum of one week's advance notice. Employees are encouraged to give more notice if possible.
3. Supervisors reserve the right to request verification of an employee's participation in cultural or religious ceremonies, workshops and seminars.
4. If an employee wishes to take additional time off for ceremonial purposes with compensation, he or she may utilize other leave options outlined in this Manual.

Compensatory Time Off

A Supervisor or Department head may authorize non-exempt employees working more than forty (40) hours per week compensatory time at time and a half. The immediate supervisor under the following conditions and stipulations shall authorize compensatory time earned:

1. Employees may earn compensatory time for College related activities that go beyond the normal workday. Some examples are participation at regular or special meetings, special projects day, or emergency situations requiring overtime.
2. Compensatory time must be taken within thirty (30) working days following the period in which time is earned or at a time agreed to between the employee and the supervisor.
3. Compensatory time off shall be authorized with written approval of the immediate supervisor. All accrued compensatory time shall be documented with the supervisor for auditing purposes.

Leave Without Pay

Leave without pay may be authorized under the following conditions:

1. The President or supervisor may grant a full-time employee leave without pay for a period not to exceed ninety(90) days. Requests for leave without pay for longer periods of time must be approved by the President. Employee must have worked for the College for three (3) years.
2. If the employee's leave without pay status is the result of the expiration of his or her family medical leave and/or exhausted leave (sick, annual and donated leave), the employee's medical, dental, vision, disability, and life insurance benefits will be extended for another 30 days. Afterwards, the extended coverage for health coverage through COBRA will be available at the employee's expense (to include costs normally paid by the College) for the duration of the leave without pay.
3. College staff is encouraged to work on advanced degrees. In most instances leave without pay requests will be approved for a period up to one year if the leave does not create a hardship for the College and if it is for the purpose of working on the employee's advance degree(s).

4. The position held by the employee prior to the leave will not be available to the employee if the employee does not fulfill the obligations of the leave without pay. Employment upon return from the leave without pay status may not be available if the position held prior to leave does not exist. This could be due to the loss of funding or reorganization. If the conditions of leave are fulfilled, and the position no longer exists the employee will be eligible for in-house hiring in a comparable position if available. Sick leave and annual leave will not be accrued during leave without pay.
5. Applications for a leave without pay must be made at least three (3) months prior to the requested starting date. The application must be made in writing, state the intended dates for the leave, the obligations to be fulfilled by the applicant and a brief statement of the benefits to be gained from the leave.

Layoffs

If the College determines that a reduction in the number of College employees is necessary, then the College shall, in so far as is reasonably possible, accomplish this reduction through normal attrition and to ensure the needs of the College are met. Should further reduction be necessary, employees shall be laid off in the following order:

1. Seasonal, part-time, temporary, emergency employees;
2. Probationary employees;
3. Regular employees in the following order;
4. Non-Native American employees;
5. Native American employees.

Employees with the least seniority will be notified at least three (3) weeks, if possible, prior to the impending layoff by the employee's immediate supervisor. In addition, written notice will be provided to the affected employee, specifying the reasons for the layoff.

Retraining

Prior to layoff implementation, the College shall make a reasonably good faith attempt to retrain employees selected for layoff. The College shall make recommendations for out placement services for those employees affected by a layoff. Retraining should take place in areas of usefulness to the College, as defined by the administration and in areas appropriate to the employee's knowledge and skills where possible. The College commits to providing individual time for retaining whenever possible.

Recall

A laid-off employee shall be offered recall from layoff beginning with Native American employees with seniority, provided the employee is qualified to perform the duties of the job. A laid-off employee recalled for work, who has been notified at the employee's last known address

by certified mail, must notify the Human Resources Office within five (5) working days after receipt of the notification by the College that the employee will accept the recall and report to work within five (5) workdays after receipt of the recall letter.

Any employee failing to respond or accept the recall shall be considered to have resigned.

A laid-off employee may reject a recall to any job classification in a salary range lower than the job classification, which the employee held at the time of separation from payroll. Recall will be initiated by the College immediately upon existence of a job vacancy in the College. The College will make a reasonably good faith effort to restore employees to former classifications and salary ranges during the recall period

A laid-off employee will remain on the recall list for six (6) months after the effective date of the layoff.

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Section V. Faculty

College Faculty - General Responsibilities

Conditions of employment will be set forth in the Faculty Contract between the faculty member and the College. The Faculty Contract supersedes the College Personnel Policies and Procedures, and will include the following general terms and duties:

1. Shall be for a 10-month period (August 1 – May 31) during the fiscal year July 1 through June 30;
2. Shall teach a minimum of 30 credit hours per year as assigned by the Academic Chair;
3. Shall post and hold office hours of at least (5) hours per week;
4. Shall provide advisory services to students as assigned;
5. Shall assist in the recruitment, retention and success of students; and
6. Other similar or related duties as assigned by the Provost.

Unless otherwise specified in writing in the Faculty Contract or Amendment thereto, full-time faculty are expected to work 40 hours per week, Monday through Friday, although not necessarily from 8:00 a.m. to 5:00 p.m. Due to the nature of the faculty member's teaching role at the College, the time accountability will be divided as follows:

1. Thirty (30) hours a week on campus or College based assignments; and in addition, ten (10) hours a week course work preparation, which may or may not be done on campus depending on the nature of the courses taught and with prior written approval of the Academic Chair.
2. The Provost shall determine the appropriate accountability hours. Faculty must be available for consultations with students and must post and submit for approval, a copy of their office hours to the Provost at the beginning of each semester.
3. Full-time faculty are required to teach a minimum of thirty (30) credit hours per year. Typically, this will occur by teaching fifteen (15) credit hours per semester. Courses taught beyond the minimum load shall be compensated at the Adjunct Faculty rate.

Administrative Appointments of Faculty

An administrative appointment is a temporary appointment of faculty in an area that requires special expertise and is necessary to fulfill a critical interest area. Temporary administrative appointments may be made by the President for a period not to exceed one academic year subject to the approval of the Board of Regents.

New Contract and Term of Employment

A faculty employee warrants and represents that as a condition of employment and continued employment during the term of the faculty employee's contract, that the employee has

complied with or will comply with, as required in the job description, all applicable federal, state and/or College certification requirements, including by way of illustration, but not limitation, the certification requirement to teach at an Arizona community College, satisfy requirements of the Immigration Reform and Control Act of 1986, completion of an Apache Language and Culture and History courses, and consent to a satisfactory background and fingerprint check. Should the faculty employee fail to timely comply with the foregoing conditions, it is understood by and between the parties that the Faculty Contract will terminate immediately.

Faculty Contracts shall be governed by and construed in accordance with the laws of the San Carlos Apache Tribe. Any dispute arising under the Faculty Contract shall be resolved in the Courts of the San Carlos Apache Tribe, but only after exhaustion of administrative procedures set forth in the College Personnel Policies and Procedures Handbook. No provision of the Faculty Contract shall serve as a waiver of the Sovereign immunity of the San Carlos Apache Tribe or of the College. Suspension or termination of the Faculty Contract prior to its expiration date shall be pursuant to the provisions of the Faculty Contract and applicable provisions of the College's Personnel Policies and Procedures Handbook.

Faculty Contracts are contingent upon ratification by the Board of Regents at a legally convened meeting of the Board. In the absence of such ratification, the Faculty Contract is null and void. Faculty Contracts are three-year contracts, subject to annual renewal based on satisfactory performance evaluations. Any new Faculty Contract after the expiration, suspension or termination of a Faculty Contract shall be at the sole, non-reviewable discretion of the San Carlos Apache Board of Regents.

Faculty Salaries

1. The President and the Board determine beginning salaries and increments. Adjunct Faculty will be paid at a rate based on the credit hours taught according to the salary schedule for Adjunct Faculty. Other part-time or temporary appointments will be paid at a rate that is commensurate with the type of duties to be performed. The President will establish the rate of pay for part-time or temporary appointments.
2. Full-time faculty will be placed on the salary schedule based on the amount of prior full-time experience in or related to a subject area, as well as degrees and/or certificates attained in or related to the field of study required for certification or in education//instruction, as documented by an official transcript.
3. The following academic experience will be used when placement of faculty is being considered:
 - (a) Number of years teaching; and
 - (b) Experience in university, community colleges or technical schools.
4. Faculty will advance within the pay range for each full 12-month year of teaching at

the College, subject to availability of funds. Adjunct Faculty are compensated based on the pay rate per credit hour as established by the Board on a fiscal year basis. Semesters that are taught do not have to be consecutive.

5. Faculty will be allowed increases on the salary schedule according to the number of graduate or postgraduate credits earned or for additional credits or degrees. The salary increase will be awarded at the beginning of the annual contract following the completion of the credits.
6. In cases where there is a high demand for faculty in certain fields, and it is not possible to secure a qualified instructor at the rate indicated, the President with the concurrence of the Board, may raise the suggested level for that position.

Faculty Evaluations

The Provost or designee shall be responsible for the evaluation of Full Time and Adjunct Faculty for academic and occupational subjects. The most recent cumulative student course evaluations during the current evaluation year will be included in Full-Time Faculty evaluations.

The Provost may use Adjunct Faculty student evaluations to recommend renewal or termination of an Adjunct Faculty contract.

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Section VI. Employee Code of Conduct and Personnel Disciplinary Action

Authority

Except as provided in certain employee contracts, the President has the authority to suspend or terminate an employee for cause without pay. Only full and part-time regular employees, subject to disciplinary actions, shall have access to the College's Employee Grievance Procedures

Employee Code of Conduct

Rules and regulations regarding employee conduct are necessary for the efficient operation of the College and for the benefit and safety of visitors, students and employees. College employees, including all full and part-time regular employees under contract or not, are expected to contribute to a productive and cooperative effort to the conduct of business of the College to serve students, other employees, visitors and the general public. College employees have the responsibility to the College and the community to respect and adhere to the principles of ethical conduct in public service.

Employee Conduct

College employees, including all full and part-time regular employees under contract or not, are expected to perform and conduct their respective duties in a professional manner at all times. Such duties include, but are not limited to:

1. Performing assigned duties effectively and in accordance with established quality standards;
2. Cooperating reasonably with other employees and treating all students, visitors, and businesses in a courteous and considerate manner;
3. Complying with the College's policies and procedures;
4. Maintaining high standards of honesty and integrity, free from personal considerations, bias or favoritism;
5. Protecting and conserving College property and resources;
6. Avoiding any actions creating the appearance of violating the law or College policy or procedures;
7. Notifying the employee's supervisor in advance when the employee will be absent from work or is unable to report on time;
8. Reporting to work on time as scheduled and being at the proper work location, ready for work at the assigned starting time;
9. Reporting suspected or unethical illegal conduct by employees or students.
10. Personal appearance, quality of service, and positive attitudes of all employees are

essential to creating and maintaining a favorable public image.

Causes for Disciplinary Action

College employees, including all full and part-time regular employees under contract or not, shall conduct themselves in a professional manner at all times. The following conduct is prohibited and an employee engaging in such conduct is subject to corrective or disciplinary action up to and including termination. The examples below are illustrative of the type of behavior that will not be permitted but are not intended to be all-inclusive. The following are grounds for a corrective interview, written reprimand, suspension or termination, but not necessarily in the foregoing order:

1. Unsatisfactory work performance for any reason;
2. Theft or willful misuse or abuse of College property or that of students, visitors or co-workers;
3. Insubordination (Disobedience to authority);
4. Abusing sick leave or demonstrating a pattern of sick leave use without required medical documentation; or having unauthorized absences from work or excessive absence or tardiness;
5. Misappropriation or willful falsification of any record, report or College document regarding funds or student grades;
6. Offering and/or acceptance of solicitations, bribes or favors;
7. Intoxication, consumption, sale, use, possession of alcoholic beverages, illegal use, possession (unless under a doctor's care), sale, trade, or distribution of drugs or narcotics while on the job or at a College site or in a College vehicle;
8. Neglect of duty or inefficiency;
9. Fighting or assaulting a fellow employee, visitor or student; using language, actions, and/or gestures which are threatening, intimidating, abusive, obscene, or profane; engaging in any form of intimidation, bullying, harassment, sexual harassment, discrimination, or contributing to an offensive, hostile environment; disorderly or disruptive conduct;
10. Falsely making or counterfeiting or forging any College forms;
11. Breach of the College Confidentiality Agreement;
12. Concealing, removing, mutilating, obliterating, or destroying program records or documents;
13. Use of College technology resources to:
 - (a) Willfully receive, create, transmit or disseminate, images, audio, video, text, e-mail or other electronic media that are generally considered sexually explicit; or to harass, defame, disclose confidential or proprietary information of any other illegal or inappropriate activity;

- (b) Operate a personal business; or
- (c) Violate the Information Technology Policy;
- 14. Violation of the law or safety regulations;
- 15. Violation of College policies, including these Personnel Policies;
- 16. Loitering or being away from your regular workplace without permission;
- 18. Using or borrowing College property, including vehicles, equipment, tools and supplies, without authorization.
- 19. Failing to notify the College of a felony conviction or the loss of a license or certificate required for the position, or failing to cooperate in a College investigation or audit.

Confidentiality

Certain College departments in possession of unique information such as personal data, student applications or employee's medical records or criminal histories, require specific guidelines for their release of information due to legal requirements. Employees should consider any information in these categories as confidential and covered by the College Confidentiality Agreement that the employee signs at the commencement of employment. Confidential information subject to the College's Confidentiality Agreement should be released only with the prior approval of the Director of Student Services (student information) or Human Resources Officer (employee information) and then only to the requesting individual, whose own records are involved or in response to a Court or administrative subpoena or authorized request.

If there is a question as to whether a person's right to know conflicts with maintaining confidentiality, the Director of Student Services (student information) or Human Resources Officer (employee information) should make the decision as to whether or not the information should be released.

Financial data regarding the College should be secured and released only as authorized by the designated supervisor in charge thereof. Employees of the College are expected to maintain confidentiality and are prohibited from using confidential financial information available for the benefit of themselves or others.

Types of Disciplinary Action

Disciplinary action is intended to deter unprofessional conduct and provide an opportunity for improvement, if feasible.

The following are types of disciplinary actions that will be used, if necessary or appropriate, to enforce the College's employee work rules and standards of conduct. The type and degree of disciplinary action will be determined by the nature of the offense and could include any or all of the following actions in any sequence or combination thereof depending on the totality of the circumstances including the employee's previous work history:

1. **Corrective Interview** - When an employee requires corrective attention, the employee's immediate supervisor and the employee shall discuss the reason in an interview. The employee's immediate supervisor shall suggest and provide the employee with a corrective action plan and a timeframe for expected performance improvement.
2. **Written Reprimand** - If the employee fails to make corrections following a corrective interview and receipt by the employee of a corrective action plan from the employee's supervisor, or if an offense is serious enough to warrant an immediate written reprimand, the supervisor may write a Letter of Reprimand to the employee, which shall include a description of nature of the deficiency or infraction, the suggested means of correction, and the probable resulting action (probation or suspension) if an improvement is not made. The immediate supervisor will stipulate in the reprimand the timeframe in which the employee is expected to make the corrective action. A copy of the letter shall be placed in the employee's personnel file.
3. **Suspension** - The employee's supervisor with the President's written concurrence may, with just cause, suspend an employee without pay for one (1) to thirty (30) working days or until such time that a grievance hearing can be held. The employee will not accrue leave of any kind or be paid for holidays during the suspension period. Documentation of the suspension shall be placed in the employee's personnel file.
4. **Termination** - The President may terminate an employee. If the employee is terminated, the employee will be notified in writing of the action.

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Section VII. Grievance Procedure

Grievance

The Grievance Procedure does not pertain to contracted workers, who are not regular employees. Contracted workers are governed by the signed contract.

This procedure applies to all full-time regular faculty, exempt, and non-exempt employees of the College. The intent of the grievance procedure is to provide a method of resolving disputes at the lowest level possible. The grievance procedure is recognized as a non-judicial, administrative process. Failure to follow the grievance process in a timely manner will result in the grievance being dismissed.

An employee may file a grievance when a representative of the College is alleged to have violated one or more sections of the Personnel Policies and Procedures Handbook and other SCAC policies. The employee may also file a grievance for a negative written action that the employee has received. The initial grievance will remain the same until it is resolved. All recordings are property of the College. The submission of an informal grievance must be in writing and include the following:

- Identify the alleged violation;
- Contain a concise statement of the facts surrounding the grievance;
- State the remedy sought; and
- Be signed and dated by the employee.

Complaints Excluded from the Grievance Procedure

- Performance or progress reports; improvement plans; program review
- Work assignments, including work location; schedule changes; reassignment; and, other work-related directives given by a supervisor.
- Job classification and compensation, including salary adjustments.
- Administrative leave or suspension with pay.
- Recommendation and notification for non-reappointment; reduction in force.
- Notification of failure to successfully complete initial probationary period.
- Hiring decisions, including internal promotion decisions.
- Other complaints that are determined to be not grievable.

If the Human Resources Office determines the complaint cannot be grieved pursuant to these procedures, the grievance will be returned to the aggrieved party with a written explanation.

No reprisals shall be taken against any grievant, representative, or other participant in the grievance process because of such participation. It is not considered proper if an employee abuses the process by raising grievances in bad faith or solely for the purpose of delay or harassment or by repeatedly raising grievances that a reasonable person would

judge to have no merit.

Step One: Informal Resolution Procedure

An employee's request for an informal resolution must be initiated with the employee's immediate supervisor with a copy to the Human Resource Office within five (5) working days of the occurrence or incident.

The supervisor will investigate and hold a conference with both parties and a Human Resource Representative to resolve the concern and give a response to the employee within five (5) working days thereafter. If the employee is not satisfied with the supervisor's response at this informal stage, the employee may proceed with a formal grievance by following the procedures in Step Two.

No allegations of other policy violations may be added to the appeal, although additional examples or other documentation regarding the incident that led to the initiation of the formal grievance process may be added.

Step Two: Formal Grievance

A formal grievance begins at the lowest level at which a resolution can be granted and must be filed within five (5) working days of the supervisor's response to the employee at the informal resolution stage.

Submission of Written Grievance- If the employee and the employee's immediate supervisor have not resolved the grievance in Step One, the Informal Resolution Procedure, the employee may submit a formal grievance in writing to the next level supervisor within five (5) working days of the Step One Response. If the grievance is against the immediate supervisor, the employee may submit a formal grievance in writing to the next level supervisor within five (5) working days of the occurrence or incident.

Failure to submit the grievance in writing within the stated time will be considered adequate grounds for dismissal of the grievance.

The submission of a written formal grievance must:

1. Identify the alleged violation;
2. Contain a concise statement of the facts surrounding the grievance;
3. State the remedy sought;
4. Include a copy of the Supervisor's Informal Response in Step One, if applicable and;
5. Be signed and dated by the employee.

Any formal grievance, which does not contain these elements, may be rejected.

The deciding administrator shall conduct such meetings with the aggrieved and others

necessary to render a written decision.

A one-time extension may be approved by the next level supervisor under extreme circumstances and is limited to another five (5) working days.

Step Three: President's Review

A written request for the President's review of a written grievance must be filed by the employee with the President within five (5) working days of the deciding administrator's written decision in Step Two if the employee is not satisfied with the decision. Failure to submit the grievance in writing within the stated time will be considered adequate grounds for dismissal of the grievance.

The President may conduct such meetings with the aggrieved and others as deemed necessary to render a decision.

A time extension may be approved by the Board under extreme circumstances and is limited to another five (5) working days. The President must render his/her decision within five (5) working days of receipt of the employee's written grievance.

Step Four: Board of Trustees

If the decision of the President or the President's designee (Step Three of the Grievance Procedure) is unsatisfactory to the grieving party, the grieving party may go to Step Four and file an appeal to the Board of Regents. The appeal must be made in writing and addressed to the Secretary of the Board and filed with Human Resources within five (5) working days of the conclusion of the previous proceeding.

The grieving party must have timely completed steps one through three of the Grievance Procedure before filing an appeal to the Board of Regents.

After the hearing has concluded, Board Members will go into executive session to discuss the testimony of the grieving party and the Respondents and the documents provided and render a decision. The decision of the Board must be made and delivered in writing to the grieving party and the Respondents within five (5) working days of receipt of the appeal.

The hearing and decision of the Board is the final step in the College grievance process and may not be appealed any further administratively within the College. Employees must timely exhaust the College's grievance process before seeking an external legal remedy of the grievance.

EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge that I have received a copy of this Personnel Policies and Procedures Handbook approved on [insert date] by the SCAC Board of Regents. As an employee of SCAC, it is my responsibility to familiarize myself with the information in this Handbook. If there are questions or assistance needed in using the Handbook, I will contact the Human Resources Office.

EMPLOYEE'S PRINTED NAME

EMPLOYEE'S SIGNATURE

DATE