



*Northwest Portland Area
Indian Health Board*
Indian Leadership for Indian Health

PROGRAM OPERATIONS MANUAL

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NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

PROGRAM OPERATIONS MANUAL

SECTION A: GENERAL POLICIES.....3

SUMMARY 3

 DELEGATION OF AUTHORITY.....3

 ADDITIONS AND REVISIONS.....3

 DISTRIBUTION OF OPERATIONS MANUAL3

SECTION B: ADMINISTRATION, FINANCIAL POLICIES AND PROCEDURES4

SUPERVISORY CONTROL4

 Duties of the NPAIHB Executive Director4

 Delegation of Authority5

PROGRAM PLANNING AND DEVELOPMENT5

PROGRAM RECORDS5

 Personnel Records.....5

 Program Files.....6

FISCAL MANAGEMENT AND RESPONSIBILITIES.....6

 Responsibility.....6

 Accounting System7

 Credit Cards.....7

 Bonded Positions.....7

 Protection.....7

SECTION C: PERSONNEL POLICIES & PROCEDURES7

HIRING7

 Hiring Policies7

 Inhouse Consideration7

 Returning Employment8

 Indian Preference Policy8

 Hiring Procedures.....8

 Employment of Relatives.....9

 Employment Agreement9

 Probationary Period9

ANNUAL PERFORMANCE EVALUATION9

WORK SCHEDULE10

 Hours of Work.....10

 Telecommuting and Work at Home Policy10

 Absence from Work10

 Holidays10

LEAVE11

 OFLA and FMLA11

 Sick Leave.....11

 Maternity Leave12

 Infants at Work12

 Annual Leave12

 Cultural Leave.....13

 Leave of Absence Without Pay.....13

 Leave of Absence With Pay14

TERMINATION OF EMPLOYMENT14

 Layoffs14

 Severance Pay15

 Resignations.....15

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

PROGRAM OPERATIONS MANUAL

PAY	15
<i>Categories of Employees</i>	15
<i>Classes of Employees</i>	15
<i>Payroll Policies</i>	16
<i>Salary Increases</i>	16
STAFF TRAINING	16
REPRESENTATION	17
<i>Attendance at NPAIHB Meetings</i>	17
<i>Representation of Board</i>	17
<i>Employee Representation on Board and Committees of Other Organizations</i>	17
<i>Staff Representation at Meetings</i>	17
<i>Electronic Communications Policy</i>	17
CONFLICT OF INTEREST	18
<i>Prohibited Activities</i>	18
<i>Receipt of Favors or Gifts</i>	18
<i>Release of Confidential Information</i>	18
<i>Intellectual Property and Product Ownership</i>	19
<i>Office Dress Code</i>	20
WORKPLACE RELATIONSHIPS.....	20
DISCIPLINARY PROCEDURES	20
<i>Warning</i>	20
<i>Reprimand</i>	20
<i>Suspension Without Pay</i>	21
<i>Disciplinary Probation</i>	22
<i>Dismissal</i>	22
<i>Other</i>	23
EMPLOYEE REDRESS	23
<i>Employee Relationships with the Board of Directors</i>	23
NEED FOR VERTICAL COMMUNICATION.....	23
<i>Types of Problems</i>	24
<i>Informal Resolution Process</i>	23
<i>Retaliation</i>	24
<i>Formal Grievance Procedures</i>	24
<i>Retaliation</i>	25
<i>Whistleblower Protection</i>	26
SECTION D: SCIENTIFIC MISCONDUCT POLICY	28
SECTION : FINANCIAL CONFLICT OF INTEREST POLICY	381
SECTION F: SAFETY POLICY	386
SECTION G: DRUG FREE WORKPLACE POLICY	386
SECTION H: HARASSMENT POLICY.....	38
SEXUAL HARASSMENT.....	39
COMPLAINT PROCEDURE.....	39
NO RETALIATION.....	39
SECTION I: TOBACCO POLICY	40
SECTION J: BACKGROUND CHECK POLICY	41
CONSIDERATION OF BACKGROUND CHECK FINDINGS.....	41
DETERMINATION AND RESCISSION OF CONDITIONAL OFFERS.....	41

CONFIDENTIALITY	42
SECTION K: CHILD PROTECTION BACKGROUND CHECK POLICY	42

Section A: General Policies

SUMMARY

This manual establishes uniform policies and procedures for all programs operated by the Northwest Portland Area Indian Health Board (Board or NPAIHB). All employees of the Northwest Portland Area Indian Health Board are expected to become thoroughly familiar with, and adhere to its provisions. Nothing in this manual shall be deemed to waive the sovereign immunity of the Board.

Although the manual sets forth standard procedures for management and administration, special circumstances may require temporary exceptions that must be justified in writing by the Executive Director. Permanent exceptions will be subject to approval by the Board. The regulations and requirements of funding agencies may also supersede provisions of the manual. Whenever possible, however, the Board will request waivers of requirements that conflict with the Board’s policies and procedures. Individual Board program policies will be developed consistent with this manual.

These policies and procedures contain general information about the NPAIHB’s employment policies and benefits. As a result, the policies and procedures herein are guidelines for all employees. These personnel policies are not intended to be, nor should they be construed as a contract, express or implied.

DELEGATION OF AUTHORITY

In the absence of persons authorized to take certain actions (e.g., signing payroll sheets, etc.), authority may be delegated by the Executive Director as needed to meet the administrative needs of the Board. If the Executive Director is not available to make such delegation, it shall be made by the Chairman of the Board.

ADDITIONS AND REVISIONS

The Northwest Portland Area Indian Health Board’s Executive Director and the Personnel Committee will review this Operations Manual in January and July or as needed. The Executive Director will recommend the proposed revisions and additions to the Personnel Committee. All such revisions and additions must be approved by a majority of Board members present at a regularly scheduled meeting, a quorum having been established.

The Executive Director has the authority to make grammatical changes, revision, or edits to the Operations Manual that do not substantially affect the meaning or intent of the of the policy.

DISTRIBUTION OF OPERATIONS MANUAL

- 1) Copies of the manual will be given to new members of the Board of Directors.
- 2) Each new employee of the board will be provided a copy of this manual for his/her use.
- 3) All employees will sign a receipt at the end of their first pay period verifying that they have received and read this Program Operations Manual and will be held accountable to follow the operational procedures.

PROGRAM OPERATIONS MANUAL

- 4) Any revisions to the Program Operations Manual will be provided to all employees and documentation that an employee received and read the revisions will be placed in each employee's personnel file.

SECTION B: ADMINISTRATION, FINANCIAL POLICIES and PROCEDURES

SUPERVISORY CONTROL

Duties of the NPAIHB Executive Director

The Executive Director is directly accountable to the NPAIHB. The Board has delegated to the Executive Director complete management control over employees and operations as specified in this Manual. In the absence of specific authority, the Executive Director shall have authority to take such actions as are in the best interests of the NPAIHB. The Executive Director may consult with the Executive Committee on matters not covered by this manual if the matter is deemed by the Executive Director to require the guidance of the Committee. In most cases, however, the Executive Director is expected to make such decisions.

- 1) Operations Manual responsibilities include:
 - a. Publish amendments as they occur.
 - b. Keep up to date amendments or deletions, Board decisions, legal requirements, or changes in organization.
 - c. Distribution to all NPAIHB members and staff.
- 2) Personnel controls status shall be reported regularly to the Personnel Committee and shall include, but not be limited to:
 - a. Develop and maintain job descriptions for all staff.
 - b. Hiring.
- 3) Promotions
- 4) Discipline
- 5) Merit citations and salary increases
- 6) Leave approvals
- 7) Annual Performance Evaluations
- 8) Terminations
- 9) Staff orientation and development
- 10) Establish office procedures and organization.
- 11) Develop, refine, and plan program management systems.
- 12) Promote and develop active community participation in the operation of health care systems within tribal communities.
- 13) Act as liaison between the Board and Indian Health Service and state and federal agencies.
- 14) Develop and maintain lines of communication between the NPAIHB and the Service Unit Health Boards, National Indian Health Board, the Portland Area Indian Health Service, Northwest Tribes, and other Indian organizations relative to matters of health.
- 15) As directed by the Board, develop and submit proposals for the funding and growth of Board programs and activities.
- 16) Advise the Board relative to issues and problems as they affect health care.
- 17) Establish and control budgets.
- 18) Identify and work to mobilize resources that may impact favorably on the health needs of constituent Indian tribes.

PROGRAM OPERATIONS MANUAL

- 19) Coordinate planning and arrangements for Quarterly Board meetings.
- 20) Continue formal and informal dissemination of health news and information to tribal constituents and tribal health boards.
- 21) Operate an active communications network serving the constituent tribal organizations in promotion of the objectives of the NPAIHB relating to the Indian Self-Determination Act and participation in Indian Health Service and other health programs.
- 22) Responsible for adherence to this manual, State and Federal laws and regulations by all employees.
- 23) Represent the NPAIHB in coordination with Board members at various area and national health-related meetings as approved by the Board Chair and reported to the Board.
- 24) Other duties as assigned from time to time by the Chair of the NPAIHB or by various Board committee chairs with the concurrence of the Board Chair.

Delegation of Authority

The overall supervisor of the NPAIHB employees will be the Executive Director who will be responsible to the NPAIHB. To the extent specifically authorized by the NPAIHB Executive Committee, the Executive Director may delegate programmatic and supervisory authority to other NPAIHB staff.

PROGRAM PLANNING AND DEVELOPMENT

- 1) Program planning is a continuous process for which the Executive Director is responsible.
- 2) Each staff member shall constantly evaluate his/her program and provide input to the Executive Director to be used in future planning.
- 3) Development of new programs.
- 4) The development of NPAIHB programs is the responsibility of the Executive Director.
- 5) All proposals for NPAIHB programs shall be reviewed and formally approved by the NPAIHB Board of Directors before these proposals are submitted to the funding agency.

PROGRAM RECORDS

Record Retention Policy

NPAIHB will be in compliance with the Federal OMB circular for all records retention related policies.

Personnel Records

The Executive Director is responsible for maintaining all personnel records in a safe and confidential manner. Records shall be kept on all personnel actions including, but not limited to, hiring, promotions, dismissals, reprimands, grievances, and resignations of both full-time and part-time employees.

All applications, performance reports and related material pertaining to each employee shall be kept in individual files. Upon written request, employees may receive copies of materials in their own personnel files. Copies will be made available no later than two full working days of receipt of written request.

The Personnel Committee and the Executive Committee may, as a function of their committee responsibility, review employee personnel files.

PROGRAM OPERATIONS MANUAL

In accordance with Federal regulations, personnel records of employees are not public information and, therefore, should be treated as confidential. Disclosure of confidential information shall be a matter for disciplinary action.

The Executive Director shall have sole responsibility for providing all job references requested by outside organizations.

Program Files

The records and correspondence of all NPAIHB programs are the exclusive property of the Board and are not to be removed or destroyed by current or departing staff.

All Board records relating to contracts are to be filed and stored for at least seven (7) years after completion of the contract.

All Board records relating to grants are to be filed and stored for at least three (3) years after completion of the grant.

FISCAL MANAGEMENT AND RESPONSIBILITIES

Responsibility

All operating fiscal management responsibilities and authority have been delegated by the Board to the Executive Director, with regular reports to the Executive Committee and the Board of Directors. The Executive Director retains general supervision of all fiscal operations.

Function of Executive Director:

- 1) Establish budget priorities and approve budgets for all NPAIHB proposals and programs to be reviewed and ratified by the Board of Directors or Executive Committee.
- 2) Approve all budget modifications.
- 3) Control and coordination of special conditions attached to grants and contracts.
- 4) Consultation with appropriate officials to define and clarify fiscal and other requirements for proposed and operating programs.
- 5) Review and approve all purchase orders and claims relating to expenditures of the Board.
- 6) Contract with Certified Public Accountants for regular audits of Board programs. Audits are to be obtained at least every two years.
- 7) Approves all contracts and agreements entered into with consultants, landlords, suppliers, etc.

Fiscal responsibilities include, but are not limited to;

- 1) Maintain a record of expenditures by program activities of the NPAIHB.
- 2) Prepare and submit all financial reports on program activities as required by the funding source or the Board of Directors.
- 3) Prepare for and assist in internal and independent audits.
- 4) Certify the availability of funds on all expenditures.
- 5) Maintain a chart of accounts for accounting purchases.
- 6) Control and maintain all accounting records.
- 7) Prepare budgets and budget modifications for approval by project director.
- 8) Plan and coordinate the investment of Board resources to maximize interest income.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD
PROGRAM OPERATIONS MANUAL

Accounting System

The Corporation's fiscal year begins October 1st, and ends September 30th. An accounting manual for the NPAIHB is maintained to explain the Board's accounting systems and procedures. The maintenance of this manual is the responsibility of the Executive Director and is approved by the Board's Executive Committee.

Credit Cards

Content is available in the Accounting Manual.

Bonded Positions

The Executive Director, Executive Director's Management Team, the Board Chair, Board Secretary-Treasurer, and all other employees involved in the handling or disbursing of funds shall be bonded.

Protection

Content is available in the Accounting Manual.

SECTION C: PERSONNEL POLICIES & PROCEDURES

HIRING

Hiring Policies

Hiring authority for all staff positions (except the Executive Director) have been delegated to the Executive Director. The Executive Director may delegate specific responsibilities for interviews and position recommendations to other Program staff.

All new personnel will be introduced to the Board as soon after hire as practical. A report on all staff changes will be made to the NPAIHB on a quarterly basis. The NPAIHB will comply with all Federal statutes relating to non-discrimination.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions by the Board will be based on merit, qualifications, and abilities. Other than Indian preference in hiring, the Board's policy is to ensure that all employees are treated equally and that no employee or job applicant shall be discriminated against in employment on the basis of race, color, religion, age, sex, national origin, disability, sexual orientation, marital status or any other characteristic protected by law.

In-house Consideration

New hires and current employees who have successfully completed the probationary period of their current position will be given in-house consideration.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD
PROGRAM OPERATIONS MANUAL

Returning Employment

Former regular employees who are rehired within twelve (12) months after their last day worked will have their tenure reinstated for the purpose of restoring years of service in the organization and the period off the payroll will be treated as a leave of absence without pay. Their rate of accrual of sick leave, annual leave, and the Board's contribution to their tax-sheltered annuity will be reinstated as it was on their last day of employment. Reinstated employees will not accrue annual leave, or other employee benefits during the period of absence and are not guaranteed their former position or salary earned.

Former regular employees who are rehired after twelve (12) months of their last day worked will have half (1/2) of their tenure reinstated.

Indian Preference Policy

In accordance with Title 25, U.S.C, Section 450 e (b) preference will be given to Indians in all NPAIHB employment areas. For the purposes of the NPAIHB Indian Preference Policy, "Indian" shall mean "any member or descendant of a member of a federally-recognized tribe." Applicants must meet the established minimum qualifications in order for Indian preference to apply.

Candidates will be required to furnish documentary evidence of their qualifications for Indian preference when applying for employment with the board.

Hiring Procedures

The following steps, subject to the policies stated previously, will be taken in hiring personnel:

- 1) **Job Description**: A job description approved by the Executive Director will be prepared for the position if a job description does not presently exist.
- 2) **Vacancy Announcement**: A vacancy announcement including qualifications and responsibilities listed in the job description, salary, and application instructions will be prepared. The Executive Director may circulate the vacancy announcement among staff before advertisement and hire in-house as appropriate.
- 3) **Announcement of Job Opening**: Advertised positions will be held open for a period of at least two (2) weeks.
 - a) ***Promotion***: The Board prefers to promote from within and will strive to first consider current employees with the necessary qualifications and skills to fill vacancies. Indian preference will apply.
 - b) ***Reclassification***: In some instances, it may be essential for the Board to revise an existing employee's job description. Non-exclusive examples of such situations include adding responsibilities to the employee's job description, combining two positions into one or splitting one position into two, or changing the statement of work, program goals, or funding for a program. A department supervisor may propose reclassification as a means of promotion. All promotions and reclassifications are subject to approval by the Executive Director.
 - c) ***Individual Personal Agreement (IPA)***: the Executive Director may directly hire a person who has been assigned to the Board for at least one (1) year from a federal, state, tribal or other agency at the Board with written concurrence of the Chair of the Board.

PROGRAM OPERATIONS MANUAL

- d) Recruitment bulletins will be circulated to tribal councils, newspapers, and trade publications, interested agencies and organizations in an effort to get the best qualified personnel.

Employment of Relatives

NPAIHB policy prohibits favoritism and/or nepotism in official transactions on the basis of family relationships. The following guidelines apply:

- 1) No person will hold a job which requires direct supervision of or by an immediate family member (father, son, mother, daughter, husband, wife, brother, sister).
- 2) No person shall hold a position that is supervised by another person who resides in the same household.

Employment Agreement

All employees of the Board shall accept the conditions of employment set out in the Employment Agreement and shall sign such document when first hired.

Probationary Period

Except as provided below, no appointment to a regular staff position shall be final until the appointee has successfully completed a probationary period of not less than six (6) calendar months from the effective date of the probationary appointment.

A probationary period, for good cause as determined by the Executive Director, may be extended for a maximum of three months at which time an employee must receive a successful performance evaluation or be dismissed. After an employee has completed one probationary period, any subsequent probationary period for a new appointment may be shortened or waived as determined by the Executive Director.

Prior to regular appointment, a written performance evaluation shall be prepared by the employee's supervisor approved by the Executive Director and made part of the employee's personnel record. An additional copy shall be given to the employee.

The employee may be dismissed at any time during the probationary period. Dismissal during, or at the end of, the probationary period shall be based on the employee's unsuitability for the position as determined by the Executive Director. The employee shall be notified in writing of the failure of probation. The Personnel Committee will be informed of the action taken. An employee discharged during the probationary period shall not be entitled to recourse through the grievance procedure in this manual. Any Annual Leave or Leave without Pay taken during an employee's initial probationary period shall extend the employee's probationary period by the same amount.

ANNUAL PERFORMANCE MANAGEMENT REVIEW

An annual performance management review of regular employees must be completed by the immediate supervisor(s) on, or within thirty (30) days of, the anniversary of the employee's date of hire for the current position.

All performance reviews will utilize the on-line Performance Management Review system "ReviewSnap" in order that the efforts of all employees are assessed consistently. Supervisors will measure performance against the rating criteria entered into that system. Those criteria will include performance measures relevant to the position as well as to the requirements of funding agreements that support the position and to the NPAIHB Strategic Plan.

PROGRAM OPERATIONS MANUAL

Before completing the evaluation, supervisors should meet informally with other individuals who assign work to the individual whose work is being reviewed to ensure that all performance criteria are fully considered in the review process.

After the supervisor and the employee have completed each part of their review process, have met to discuss it, and signed the review, the Executive Director and Human Resources Coordinator will review and sign it to complete the process.

WORK SCHEDULE

Hours of Work

The workday begins at 8:00 am and ends at 5:00 pm, with one (1) hour for lunch. Variations in the regular workweek must be arranged and approved by the Executive Director. In addition, there will be an authorized 15-minute break within every 4-hour period of work.

Hourly employees who are in positions, which from time to time, require working beyond their normal hours, will be compensated per applicable laws. Overtime is approved by the employee's immediate supervisor and the Executive Director prior to each occurrence. An hourly employee's time sheet shall reflect any overtime.

The Executive Director can authorize the use of a time clock or its discontinuation.

Flexible schedules can be arranged by the Executive Director.

Travel time (except travel to and from work at the NPAIHB office) will be considered to be work time and logged accordingly by those persons on authorized travel. While out of the office on travel status, employees will be paid for 8 hours of work per day. Hourly workers will be compensated per applicable law for any overtime worked.

Telecommuting and Work at Home Policy

The Board supports the concept of telecommuting and has a policy similar to that of the federal government. Employees who are organized, have proven their ability to work independently, have completed their probationary period, have a good work record, have no record of abuse of sick or annual leave and can be away from the office for approved periods of time, can obtain, with the supervisor's and Executive Director's approval, a telecommuting work schedule that follows the written policy.

Absence from Work

Employees are required to notify their supervisor no later than thirty (30) minutes after the start of their schedule beginning the first day they will miss. Failure to report within the required time may result in leave without pay. Three (3) consecutive days of absence without leave where any employee did not report to their supervisor is an automatic resignation from employment.

Holidays

The following shall be holidays for all employees of the NPAIHB:

New Year's Day
Martin Luther King, Jr. Day
President's Day

PROGRAM OPERATIONS MANUAL

Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas
New Year's Eve

Two Personal Holidays

Any day appointed by the President of the United States or the Governor of Oregon for Federal and State employees to observe as a holiday will apply to the NPAIHB staff.

When any holiday falls on Saturday, the Friday before will be observed as the holiday. Holidays falling on Sunday will be observed on Monday.

Temporary employees shall not be compensated for holidays. Part-time employees shall be compensated in proportion to their hours of work. Part-time employees' direct supervisors are responsible to ensure that the part-time employees' hours are monitored and remain within budget.

LEAVE

Oregon Family Leave Act (OFLA) and Federal Family and Medical Leave Act (FMLA)

OFLA and FMLA require employers to provide eligible employees up to 12 weeks of protected leave during a leave year in certain qualifying situations. These laws set guidelines for employers and workers in the granting and taking of leave. Both OFLA and FMLA define various types of qualified absences and provide safeguards for employees who use protected leave.

Employers may not treat OFLA or FMLA leaves as unexcused absences or disciplinary incidents under attendance policies and employees have reinstatement rights when their protected leave ends.

Under OFLA, employers with 25 or more full or part-time employees in Oregon for 20 or more weeks in the year in which the leave will be taken or in the preceding year must provide OFLA leave.

Under FMLA, employers with 50 or more employees for 20 or more weeks in the year in which the leave will be taken or in the preceding year must provide FMLA leave.

Given the fluctuating number of employees at NPAIHB, which determines the applicable law, employees may qualify for either OFLA only, or for both OFLA and FMLA. In some cases, the provisions of OFLA and FMLA may vary, including recent legislative changes in the laws. Therefore, any affected employee must consult directly with the Human Resources Coordinator to determine eligibility and applicable coverage at least 30 days before the beginning of the leave whenever possible.

Sick Leave

Each employee shall be credited with sick leave at the rate of two (2) hours for each week in which the employee worked for a full week or was on paid leave. No employee shall accrue more than 750 hours of sick leave. Employees may donate accumulated annual leave to fellow employees who have

PROGRAM OPERATIONS MANUAL

exhausted his/her sick and annual leave and who must be off work due to serious illness or injury to themselves or immediate family (parent, spouse, child).

The NPaiHB shall keep accurate records of earned and used sick leave. NO PAYMENT FOR UNUSED SICK LEAVE SHALL BE MADE UPON SEPARATION.

Sick leave is to be used only for the following reasons:

- 1) Sickness or injury which makes it impossible for the employee to perform his or her duties.
- 2) Employee non-emergency routine medical or dental appointments.
- 3) Illness in employee's immediate family (parent, spouse, child) which requires employee's presence.

Abuse of sick leave will result in disciplinary action.

Except in emergency circumstances, employees using sick leave are required to telephone the office by 8:30 am. Failure to do so will be an unexcused absence and will be charged to leave without pay. If accrued sick leave is exhausted, an absence may be charged to annual leave with the Executive Director's approval. If annual leave is exhausted, the absence will be leave without pay. Sick leave may not be advanced.

Except in the case of major illness or surgery, excessive days away from work will constitute absenteeism and will result in disciplinary action. An employee who uses three consecutive days of sick leave or uses excessive days of sick leave is required to provide a letter of verification from a physician verifying the illness.

If an employee uses only three days of sick leave in one calendar year, one extra day of annual leave will be awarded as "wellness leave" in the next calendar year. If an employee uses only two days or less of sick leave in one calendar year, a second day of annual leave will be awarded as "wellness leave" in the next calendar year. Sick leave hours taken for regular medical or dental appointments are not included.

Parental Leave

Employees may use accumulated sick leave, annual leave, or leave without pay as maternity leave. Maternity leave may be taken before and after the birth of a child, but may not exceed six months duration.

Infants at work

Employees may bring children up to six-months of age to work.

Annual Leave

Each employee with fewer than three years of service will accrue two (2) hours of annual leave for each 40-hour workweek completed, or while employee is on paid leave. After 3 years of employment with the NPaiHB, each employee will accrue three (3) hours of annual leave for each 40-hour workweek completed, or while employee is on paid leave. No more than ten (10) days (80 hours) of annual leave may be carried forward to the following calendar year. Payment for annual leave in lieu of time off may

PROGRAM OPERATIONS MANUAL

not be made during the period of employment. Annual leave will not be accrued by employees on non-pay status.

Use of annual leave requires prior approval. The employee must submit an annual leave request at least 5 days in advance of departure. The time when vacation shall be taken shall be approved by the Executive Director after considering the needs of the Board and the tribes and the seniority of the employees. Accurate records of earned and used vacation shall be maintained on all employees by the Finance Department.

ANNUAL LEAVE IS AN EARNED ITEM. At any employee's departure, he/she shall be reimbursed for any unused part of his/her annual leave unless the employee did not give a two-week notice. The Executive Director, or, in the case of the Executive Director, the Executive Committee may grant a waiver of such notice. Waiver of notice will be granted only in emergencies beyond the control of the employee.

Cultural Leave

The purpose of cultural leave is to encourage employees to participate in tribal cultural events in order to gain or deepen their understanding of AI/AN tribal communities so they can better serve the Board. Each employee is allowed up to three days of cultural leave per calendar year; however, each hour of cultural leave must be matched by the same number of hours of Annual leave taken on the same or consecutive days. If the event occurs on the weekend, employees may enter it on their timesheet to count toward their weekly hours. Cultural leave must be pre-approved by the employee's supervisor and the Executive Director to confirm that the event is likely to increase the employee's knowledge about American Indians and Alaska Natives (AI/AN).

Leave of Absence Without Pay

A leave of absence may be granted to any permanent employee. A leave of absence shall be granted only to an employee who desires to return to the NPAIHB and who at the time the leave is granted, has a satisfactory employment record.

Leave of absences for thirty (30) working days or less in any calendar year may be granted upon the approval of the Executive Director based on the requirements of the position.

Upon request of the Executive Director and approval by the Board, longer leaves of absences without pay may be granted to an employee who: (1) desires to attend school or college or to enter training to improve the quality of his service; (2) is temporarily incapacitated by a medical condition; (3) is lent to another agency for the performance of a specific assignment; or for some other reason equally satisfactory. A leave of absence shall not be granted to an employee who is leaving the NPAIHB to accept other employment except as provided above.

Employees are not eligible for leaves of absence unless they have been employed continuously for a minimum of one year.

Upon return from a leave of absence, the employee will be reinstated to his/her former position at the salary he/she was earning before the leave plus any additional cost-of-living increases given during the interim. The employee will retain all rights and benefits accrued prior to the leave.

PROGRAM OPERATIONS MANUAL

An employee must return to work on the first scheduled workday following the expiration date of the leave. Failure of the employee to return on this date will be interpreted as voluntary termination of employment.

An individual on leave of absence without pay will not accrue annual leave, sick leave or other employee benefits, and the time will not count toward benefits accruing from seniority.

Leave of Absence With Pay

Jury or Witness Duty: A leave of absence with pay shall be granted to any employee who serves on a jury or is a witness for the federal government, the State of Oregon, or a political sub-division thereof. The employee shall be paid his/her regular salary and any compensation fees. Any such jury or witness duty shall not be charged to vacation or sick leave. Any compensation, excluding parking and mileage allowances, paid to the employee by the court must be submitted to the NPAIHB.

Education Leave: Employees may be granted educational leave not to exceed three (3) hours per week, which will not be charged to annual leave. Prior approval by the Executive Director is required and will be given if the education is for the benefit of the NPAIHB or is supplemental to the employee's career plans. Educational leave may not be accrued. Upon completion of the course of study, the employee is required to submit evidence of attendance to the Executive Director.

Administrative Leave: The Executive Director may grant administrative leave for, but not limited to, the following: (1) up to three (3) days for attendance by an employee at a funeral for a member of the employee's immediate family (spouse, domestic partner, child, parent, grandparent, grandchild, aunt, uncle, niece, nephew, brother, sister, mother-in-law, father-in-law, brother or sister-in-law); (2) absences from work caused by severe weather.

TERMINATION OF EMPLOYMENT

Layoffs

The Executive Director may lay off an employee or employees for legitimate business reasons, such as but not limited to cost savings, organizational efficiency, end of a project, change in program priorities, or elimination of duplicative operations. For such a layoff involving two (2) or more employees, the Executive Director shall obtain prior authorization for the layoff from the Executive Committee.

The Executive Director shall decide which employee(s) are affected by the layoff based on factors such as job description, seniority, attendance, performance, production, or other reasonable factors, alone or in combination. A layoff determination shall not be discriminatory, except that the NPAIHB's Indian Preference policy shall apply.

The employee(s) to be laid off shall be given no less than 14 calendar days of notice, unless the employee(s) and the Executive Director jointly agree to waive the notice period, or for other reasonable cause as determined and documented by the Executive Director.

The employee(s) who have been laid off do not have a right of recall.

Severance Pay

PROGRAM OPERATIONS MANUAL

Severance pay will not be provided to employees who terminate Board employment either voluntarily or involuntarily.

Resignations

An employee desiring to resign may do so by notifying the Executive Director in writing, giving the reasons and the effective date. Failure to give at least two weeks of notice may result in denial of payment of accrued annual leave. However, waiver of required notice may be granted by the Executive Director for good cause.

PAY

Categories of Employees

The Northwest Portland Area Indian Health Board shall maintain two major categories of employment for the purpose of distinguishing job responsibilities, requirements and compensation.

- 1) "Exempt" employees are those salaried staff who perform professional, executive, administrative, or information technology duties, regularly exercise independent judgment and discretion, and meet the requirements of Oregon State wage and hour law. They are exempt from overtime pay, and are required to travel on agency business.
- 2) "Non-exempt" employees are those staff who are paid on an hourly basis, perform secretarial, bookkeeping, and other support duties under the direction of NPAIHB professional staff, and are subject to the requirements of Oregon State wage and hour law. They are entitled to overtime pay, and may be required to travel on agency business.

Classes of Employees

Employees of the NPAIHB are classified as follows:

- 1) **REGULAR FULL-TIME EMPLOYEE**: An employee who works a full 40-hour workweek and is employed continuously for an indefinite period of time or minimum of six (6) months in a calendar year and has completed their probationary period.
- 2) **REGULAR PART-TIME EMPLOYEE**: An employee who works less than a full 40-hour workweek and is employed continuously for an indefinite period of time or minimum of six (6) months in a calendar year and has completed their probationary period. Regular part-time employees are eligible for benefits in proportion to their hours of work. The arrangement of part-time status must have approval of immediate supervisor and Executive Director and is dependent on the availability of funds.
- 3) **TEMPORARY EMPLOYEE**: An employee, hired for less than six (6) months on either a full-time or part-time basis. Temporary employees are not eligible for annual leave, health or disability insurance, retirement benefits, holiday pay, or in-house preference for employment. Temporary employees are eligible for sick leave.

PROGRAM OPERATIONS MANUAL

- 4) **PROBATIONARY EMPLOYEE:** An employee who has not completed their probationary period. A probationary employee accumulates annual and sick leave. A probationary employee may be dismissed at any time during the probationary period without cause, based on the employee's unsuitability for the position based on the determination of the Executive Director. An employee discharged during the probationary period shall not be entitled to recourse through the grievance procedure in this manual.

Payroll Policies

Time Reports: The Accounting Department is responsible for the preparation of the NPAIHB payroll. Payroll checks will not be issued without a Time Distribution Report which must be approved by the supervisor and the Executive Director. Total hours will be reported for each day worked for each employee. Annual Leave, Sick Leave, Holiday Leave, Overtime, must be reported in appropriate categories of the Time Distribution report. A statement of gross earnings, an itemization of all deductions, and net earnings will accompany each paycheck.

Pay Days: Pay days are on the 5th and 20th of each month. Time reports cover the periods of the 1st through the 15th, and the 16th through the last day of each month. The payroll week begins at 12:00 am on Monday and ends at 11:59 pm on Sunday. Time reports are due, in the Accounting Department, on the 16th and 1st day of the following month.

Emergency Draws: Under emergency circumstances (i.e., family death, medical or other emergencies beyond the control of individuals), employees may request an emergency draw. Such a request will require the approval of the employee's immediate supervisor and the Executive Director. Emergency Draws will be made not to exceed an amount equal to the hours accumulated at the time of the request. The amount of the draw will be withheld from the paycheck that the wages were drawn against. All requests for emergency draws will be reviewed on an individual basis.

Final Paycheck Policy: Employees resigning from their position, giving the Board less than 48 hours' notice, will be paid within five (5) days of their last day worked (excluding weekends and holidays), or the next regular payday, whichever comes first. Employees giving 48 hours or more of advance notice of resignation (excluding weekends and holidays) will be paid on their final day of work.

Terminated employees, whether it is involuntary termination or by mutual consent, will be paid no later than the end of the next business day following their final day of work.

Salary Increases

Merit Increases: Merit increases will be allowed for employees after the probationary period and will depend on the employee's performance evaluation and the availability of funds.

Cost-of-Living Increases: Cost-of-living increases are approved by the Executive Committee in consultation with the Executive Director and are contingent on the availability of funds and will be based on the Consumer Price Index for the Portland Metropolitan Area. The Executive Committee determines the effective date of all cost-of-living increases. All regular employees are eligible for cost-of-living increases. Employees who have successfully completed one six-month probationary period and who are serving another probationary period because of a job change are eligible for cost-of-living increases.

STAFF TRAINING

PROGRAM OPERATIONS MANUAL

It is the policy of the NPAIHB to provide employees with educational opportunities, to encourage professional development so they may better perform their present jobs, and acquire skills permitting mobility to positions of greater responsibility. Annually each employee will develop a training plan that will be reviewed and approved by the Executive Director. Training decisions will be based on the importance of the training to Board operations, the employee's performance evaluation, and the availability of training funds.

REPRESENTATION

Attendance at NPAIHB Meetings

Employees are encouraged to attend meetings of the NPAIHB. Employees will be required to attend meetings when requested by the Executive Director or Board. The Executive Director will attend all Board meetings. Program Directors will be required to give program reports, oral and written, to the Board at the request of the Executive Director or the Chairperson.

Representation of Board

Except as set forth here, employees may not assume the role of spokesperson for the Board unless directed to do so by the Executive Director with prior approval of the Chairperson. Employees may express the policy of the Board as may be set forth in written documents or resolutions.

Employee Representation on Board and Committees of Other Organizations

Employees who wish to represent the NPAIHB on Boards or Committees of other organizations must first obtain the approval of the Executive Committee.

The Board will not permit an employee to engage in any activities that create a conflict between his/her responsibilities as a Board employee and his/her personal, private, or other such interests.

Staff Representation at Meetings

Staff of the NPAIHB attends many meetings or gatherings, both national and local, within the scope of NPAIHB projects or contracts. Certain protocol and practices will govern NPAIHB staff participation in such events.

Attendance at National (Outside Northwest Area) Meetings: Requirements for attending national meetings shall be when: (1) authorized by the Executive Director; (2) the budget permits the expenditure; (3) the meeting relates to NPAIHB goals and objectives; (4) attendance does not interfere with regular duties and responsibilities. National meetings sponsored by the NPAIHB require participation by all authorized staff.

Local (Northwest Area): The same controls regulating attendance at national meetings shall apply to staff participation in local meetings in the Northwest area. The Executive Director may delegate approval authority for area travel to an employee supervising other staff.

Electronic Communications Policy

A panel consisting of the Executive Director and majority of the management team can recommend to the Executive Director the reading of an employee's email.

PROGRAM OPERATIONS MANUAL

There is no right to privacy for Internet use. The Board retains the right to review all Internet use including history of usage.

CONFLICT OF INTEREST

Prohibited Activities

No employee of the NPAIHB may:

- 1) Participate in any political activities prohibited by law or regulation or contract/grant provisions.
- 2) Lobby or solicit resources for his/her program without Board approval.
- 3) Use the office postage meter for personal mail.
- 4) Write personal letters on Board letterhead stationery.
- 5) Write letters of support for other organizations or individuals on behalf of the Board or as a Board employee without the approval of the Board of Directors.
- 6) Charge long-distance personal calls to the NPAIHB.
- 7) Use any Board resources for personal benefit.
- 8) Accept favors or gifts from vendors, contractors, or any other person who has or proposes to have business dealings with the NPAIHB.
- 9) All outside employment (moonlighting) shall be approved by the Executive Director upon a determination that such employment would not adversely affect the employee's performance and professional responsibilities to the Board. Employees are prohibited from using Board telephones, equipment, supplies, or staff time for purposes of outside employment. Staff may not conduct business related to outside employment during Board office hours. The solicitation of business for personal compensation during office hours or while on travel status as a Board employee is prohibited. Any employee who earns compensation for services in which their solicitation is based on their expertise, skills or position with the Board shall first have the approval of the Executive Director and shall turn any compensation for such services over to the Board.

Receipt of Favors or Gifts

Employees may not accept personal favors, gifts, or other forms of compensation from vendors or contractors who have, or propose to have business dealings with the Board. If you're uncertain discuss with supervisor.

Release of Confidential Information

Employees may not disclose privileged or confidential information without authorization by the Executive Director or Board Chairperson. For the purposes of this section, privileged and confidential information includes, but is not limited to, financial information and records of the NPAIHB, employee personnel records, and any other records or information rendered confidential by tribal, state, or federal law. Employees found to be in violation of this section are subject to the disciplinary procedures contained in this manual, up to and including termination.

Prohibited disclosures include the dissemination of information from any employee within the finance office to anyone outside of the finance office unless such dissemination involves the regular course of duties of the finance office employee.

PROGRAM OPERATIONS MANUAL

The release of confidential records maintained by NPAIHB in violation of the Privacy Act of 1974 (Title 5 US Code), Privacy Act Regulations (45 CFR, Part 5b), and NPAIHB policy is prohibited and subject to disciplinary action.

It is the policy of the NPAIHB that requests from NPAIHB staff for tribal data necessary to complete NPAIHB Projects are to be made in writing to the tribal council. The request must include a statement of how the data is to be used, a list of users, a description of how confidentiality will be maintained, and a sample resolution authorizing the release of the data. The Executive Director must approve all requests. Records obtained for NPAIHB projects that contain personal or tribal specific information are to be protected from uses other than those for which they were collected and be accessible only to those assigned to the project. Personal and tribal specific information is not to be disclosed without the individual's or tribal government's prior written consent. Confidentiality must be maintained by NPAIHB staff so that the relationship and reputation of NPAIHB with its member tribes and with other agencies is not jeopardized, and the reliability of data is not questioned.

Intellectual Property and Product Ownership

The educational, administration, and research activities of NPAIHB employees may result in the discovery of new knowledge in the form of inventions, technological improvements, or in the production of educational and professional materials. All inventions, technological improvements, and educational or professional materials are the property of NPAIHB (unless they have been designated as belonging to a funding agency through written agreement) if such inventions, technological improvements, and educational or professional materials are conceived, developed and/or produced either:

(1) Within the scope of employment. Work is considered within the scope of employment if related to your job responsibilities, even if the NPAIHB has not specifically requested that you create the work. Work is related to your job responsibilities if it is the kind of work you are employed to do and you do it, at least in part, for your use at work, or for use by fellow employees, or for the NPAIHB or any of its clients, member tribes or their patients, or NPAIHB's funding agencies. Your use of personal time or other facilities, systems or equipment to conceive, develop and/or produce the work will not change its basic nature as belonging to the NPAIHB if it is related to your job as described herein.

OR

2) On NPAIHB time (i.e. during work hours) or with the use of NPAIHB facilities, systems or equipment, whether or not it was created within the scope of employment.

These discoveries and products may not be reproduced in whole or in part, and any publication or other distribution of these products is prohibited, without the explicit written permission of NPAIHB.

Employees shall be responsible for disclosing to their immediate supervisor and the Executive Director all inventions, technological improvements, and educational and professional materials conceived, developed and/or produced within the scope of employment or on NPAIHB time or with the use of NPAIHB facilities, systems or equipment.

Employees shall be responsible for cooperating and assisting the Board to patent, license, register for copyright, publish and generally assist the Board to provide public access to new knowledge resulting from employee activities.

PROGRAM OPERATIONS MANUAL

Project materials are to be used to assist in achieving the project goals and objectives, and to serve as resources for other Board efforts. Any use beyond this scope requires written permission. Employees may not allow anyone else to utilize the material unless permission is granted by NPAIHB in writing.

Office Dress Code

The importance of first impressions among the visiting public dictate a minimum standard of dress be maintained while working for the Board during normal business hours. Under most circumstances, staff attire should present a professional businesslike appearance. Tank tops, sweat shirts or sweat pants, T-shirts, shorts or jeans are generally not considered businesslike attire.

Workplace Relationships

We also recognize the increased potential for conflicts of interest, appearance of favoritism and risk of sexual harassment when employees develop close personal relationships of a romantic or intimate nature, or of a character that could result in an allegation of a conflict of interest or inappropriate behavior. All employees must take care to ensure that personal relationships in the workplace do not result in conflicts of interest or situations that might impair objective judgment.

Personal relationships between a supervisor and his or her subordinate employee involve a heightened potential for workplace concerns, including conflicts of interest. A supervisor and his or her subordinate employee engaged in a personal relationship shall promptly disclose the relationship to the Executive Director or the Administrative Officer so that the Board can work with the supervisor and subordinate employee to take appropriate steps to reduce potential conflicts and the impact the relationship may have on the workplace (such as changing direct reporting relationships). All such disclosures will be kept confidential. Failure to make a disclosure as required under this section can result in disciplinary action for both the supervisor and the subordinate employee.

DISCIPLINARY PROCEDURES

Warning

A warning is to be used to correct minor violations of regulations or unsatisfactory work performance. Its purpose is to caution and instruct employees in an effort to prevent future occurrences. Unless the violation is of a serious nature adversely affecting the work or public esteem of the Board, the warning procedure is recommended. The warning must be timely and based on facts (who, what, where, when and how). It must be given by the immediate supervisor of the employee or the Executive Director. The warning is confidential between the staff person, supervisor, and Executive Director. It shall be given in private and shall be informal and instructive in nature. The first warning on a particular problem shall be verbal and documented by the supervisor; if the problem persists a written warning shall be issued and shall include the following: the standard, the employee's actual performance, corrective action needed, a time frame set forth for completion of corrective action, and the consequence of not meeting the time frame. If given by the immediate supervisor, advanced approval must be granted by the Executive Director for all written warnings. The written warning must be reviewed prior to extending this approval. A written warning shall be placed in an employee's personnel file.

PROGRAM OPERATIONS MANUAL

Reprimand

A reprimand can be issued by the Executive Director or a supervisor authorized to take disciplinary action with the concurrence of the Executive Director. Unless the violation or deficiency in performance is of a serious nature adversely affecting the work or esteem of the Board, a reprimand normally shall be issued to correct the conduct, attitude, or work habits of an employee only after the verbal and written warnings have failed. It must be in writing. It must: 1) factually describe (who, what, where, and when) the improper action(s) of the employee; 2) state the cause or reason for the reprimand; 3) review past corrective efforts, if any; 4) specify positive corrective steps to be reviewed by the employee and the Executive Director within sixty (60) days; 5) caution the employee that future occurrence will result in more severe action which should be clearly spelled out.

The reprimand should be presented to the employee personally by the signer. Any discussions or explanatory information must be relevant to the material in the letter. Other matters should not be introduced or considered at this meeting. The employee shall be requested to sign and date a copy of the reprimand that acknowledges only its receipt. It shall be explained to the employee that such acknowledgement of receipt does not indicate either his/her agreement or disagreement with the contents. If the employee refuses to sign his/her acknowledgement of receipt, another employee shall be called in to witness the delivery of the letter of reprimand or the supervisor may certify on his/her copy that: 1) the letter was delivered to the employee in person; 2) the employee refused to sign the requested acknowledgement; 3) note the exact time and place of delivery.

The copy will be included in the employee's official personnel record.

If circumstances prevent personal delivery of the letter of reprimand, it must be mailed to the employee by certified mail, signature of addressee only, return receipt requested. When the Return Receipt is received, it shall be attached to the copy of the reprimand and both filed in the employee's official personnel record.

Suspension Without Pay

An action suspending an employee can be taken by the Executive Director. Suspension will be used in conjunction with probation to discipline staff for serious violations of policy and procedures.

An employee may be suspended without pay for a period not to exceed ten (10) working days for any of the following reasons:

- 1) Insubordination (defiance of direct instructions of supervisor or Executive Director).
- 2) Recurring failure to adhere to any part of this Operations Manual
- 3) Conduct reflecting discredit to the NPAIHB (e.g., use of alcohol or drugs while on agency business, failure to attend scheduled meetings, misrepresentation of fact).
- 4) Malfeasance or misappropriation of NPAIHB funds or assets.
- 5) Recurring unauthorized absences and/or chronic tardiness.
- 6) Recurring failure in job performance not sufficient to warrant immediate termination.
- 7) Recurring failure to recognize privacy and confidentiality of other employees and NPAIHB records and files.
- 8) Any other violation of policy or procedure the Executive Director may deem sufficient.

Suspension must be in writing, signed by the Executive Director and must include the following:

PROGRAM OPERATIONS MANUAL

- 1) Factually describe (who, what, where, when) the performed improper action;
- 2) State the causes upon which the action is based;
- 3) Review past corrective effort, if any;
- 4) Suggest positive corrective steps;
- 5) Caution the employee that future occurrences will result in more severe action;
- 6) Set forth the period of suspension listing the exact starting and ending dates;
- 7) Advise the employee of his rights to appeal his suspension through the official grievance procedures of the NPAIHB.

The notice of suspension should be delivered personally to the employee, and the Executive Director will from that point, follow the guidelines established for reprimands in Section D of this document. Notice of suspension shall remain a permanent part of an employee's personnel record.

Disciplinary Probation

The Executive Director, or employee's supervisor with the concurrence of the Executive Director, may take disciplinary action against the employee by placing him or her on probation for the following reasons: (1) any reason listed in the section entitled "Suspension Without Pay"; (2) recurring failure to correct deficiencies leading to reprimands; (3) any other violation of policy or procedure which the Executive Director shall deem sufficient.

Unless the violation of deficiency is of a serious nature adversely affecting the work or esteem of the Board, an employee shall be placed on probation only after warnings and reprimands have failed. The Executive Director shall follow the procedural guidelines established in Section C, "Disciplinary Procedures" of this document. The probation notice must state specifically what criteria the employee must meet to be removed from probation.

Disciplinary probation will extend from 30-90 days from the date of the supervisor's decision. During the period of probation the employee will not be entitled to use accrued annual leave.

Violation of any part of this Operations Manual or repetition of the offense leading to the probation during the probationary period shall be cause for immediate dismissal at any time during the probationary period.

At the end of the probationary period, the supervisor or Executive Director will perform a performance evaluation to assess the employee's progress in correcting the deficiency. If the deficiency is corrected, the employee shall be removed from probation, and such action shall be noted on the evaluation, which will be placed in the employee's personnel file.

Dismissal

Action to dismiss an employee must be taken by the Executive Director. Absence without leave where an employee did not report to the Executive Director for three consecutive working days is an automatic resignation from employment as provided in Section C, "Absence from Work", of this manual.

In addition, an employee may be dismissed for any of the following reasons:

- 1) Malfeasance or misappropriation of NPAIHB funds or assets.
- 2) Conviction of a felony or class "A" misdemeanor while an employee of NPAIHB.
- 3) Misrepresentation of pertinent facts in the employment application.

PROGRAM OPERATIONS MANUAL

- 4) Recurring insubordination.
- 5) Use of employee's position for personal financial gain.
- 6) Recurring failure in job performance.
- 7) Recurring failure to correct deficiencies leading to disciplinary action.
- 8) Any other violation of policy or procedure which the Executive Director shall deem sufficient.

Unless the violation or deficiency in performance is of an extremely serious nature adversely affecting the work or esteem of the Board, an employee shall be dismissed only after warnings, reprimands, and probation have failed.

The Executive Director will issue a Notice of Dismissal to an employee who is discharged. The dismissal notice will state the reason(s) for dismissal, the effective date, and must be signed by the supervisor and the Executive Director. The dismissal notice shall be a permanent part of the employee's personnel file.

The Executive Director will administer an exit interview to assist in identifying employee problems or recommendations. The dismissal action and the results of the exit interview will be communicated to the NPAIHB Personnel Committee.

Other

Disciplinary action against the Executive Director is the responsibility of the Executive Committee, employing the procedures outlined in this section.

EMPLOYEE REDRESS

Employee Relationships with the Board of Directors

The Board of Directors of the NPAIHB shall have complete responsibility and authority through the Executive Director over all personnel engaged in programs or activities sponsored by the NPAIHB. The Executive Director shall be responsible for instruction and supervision of staff. In the event that this line of authority is abridged by a Board member, tribal employee, or other agency, the NPAIHB employee shall be responsible for informing the Executive Director of said instructions, and the Executive Director will take corrective action.

The Board delegates authority to the Executive Director for all day-to-day personnel matters. This authority is to be exercised in accordance with the Program Operations Manual.

Need for Vertical Communication

The Board and the Executive Director recognize the need to provide employees a method to bring concerns and suggestions to the attention of management and to get definitive answers from the decision-making levels of management. The Executive Director's personnel responsibilities include the ability to communicate with any staff.

Grievances, concerns or problems, including but not limited to the examples set forth directly below in "Types of Problems" shall be addressed through the proper chain of command. Failure to follow the chain of command may result in disciplinary action against the employee.

PROGRAM OPERATIONS MANUAL

Types of Problems

- 1) Need for clarification of NPaiHB policies and procedures.
- 2) Need for new or amended operations procedures.
- 3) Concern over improper fiscal activities by any Board member or Board employee.

Informal Resolution Process

It is the policy of the NPaiHB that difficulties between employees be resolved informally whenever possible through the Informal Resolution Process. Employees are expected to make a reasonable effort to resolve job-related difficulties and problems with other employees in a manner as informal as possible, including dialogue and informal mediation. Each employee should keep a record of their efforts to resolve the problems.

If an employee has job-related difficulties and problems with their immediate supervisor, a record of their efforts to resolve the problems shall be kept by both the supervisor and the employee. This record should consist of any verbal or written correspondence, and shall include dates and times of such communications as well as their content. The record kept by the supervisor shall be placed in the employee's Personnel File, and shall be subject to the restrictions concerning "Confidential Information" set out elsewhere in this Manual.

If this process fails to produce a result satisfactory to the employee, the employee may file a formal grievance. However, an employee may not avail him/herself of the formal grievance procedures until he/she has first made a good faith effort to resolve the issue informally, according to the methods set out above.

Retaliation

Any employee who has been found to have taken retaliatory action against another employee because of an informal grievance will be subject to disciplinary action.

Formal Grievance Procedures

The purpose of this section is to set forth the grievance procedures on personnel actions available to an employee, or former employee, who has first attempted to resolve a job-related difficulty or problem with a supervisor. These procedures incorporate the proper chain of command, and all employees, or former employees, are required to follow them. Failure to follow these procedures constitutes revocation of the right of grievance.

An employee may appeal:

- 1) Disciplinary action (except verbal warning)
- 2) Performance evaluation
- 3) Denial of salary increase
- 4) Discriminatory actions
- 5) Other job-related difficulties and problems

An appeal must be in writing, identifying the action being appealed and the employee's reason for appealing the action.

PROGRAM OPERATIONS MANUAL

Appeals must be submitted no later than 10 working days after the occurrence of the action being appealed.

Step I: The employee should file a written grievance with the immediate supervisor which explains the nature of the problem, previous attempts at resolving the problem and a description of how the employee would have the problem resolved.

The supervisor is required to respond to the grievance, in writing, describing their decision and setting forth the reasons behind it, within 10 working days.

Step II: If the employee's grievance is not resolved satisfactorily with Step I, the employee may choose to submit the grievance to the Executive Director for resolution. The employee's grievance appeal shall be in writing, and shall be submitted to the Executive Director within 10 working days of the employee's receipt of the supervisor's decision. The Executive Director will review the grievance and submit his/her decision in writing within 10 working days of receipt.

Step III: If the employee has completed the above steps and remains dissatisfied, he/she may file an appeal with the NPAIHB Personnel Committee. Such appeal must be filed within 10 working days of the final resolution under Step II.

The Personnel Committee will review the appeal, the employee's personnel file, and all other pertinent data and, within 10 working days of receipt of the appeal, notify the employee in writing either (1) that the request for a hearing is denied (specifying the reasons for the denial), and the decision of the Executive Director stands, or (2) that a grievance hearing will be held on the appeal setting a date within twenty 20 working days of the date of receipt of the appeal to the Personnel Committee.

The Chairperson of the Personnel Committee is responsible for contacting other Committee members, requesting the employee's personnel file, scheduling necessary meetings, and/or hearings, and preparing all written responses.

In the absence of funds or time for Committee travel, the employee may choose either a hearing during the next regularly scheduled Board meeting or a telephone conference call. The hearing must be conducted in a closed session of the Personnel Committee and all records and proceedings are to be confidential. The employee shall be present at this hearing and may be represented by legal counsel at the employee's own expense. Within five (5) working days of the hearing, the Committee must submit its written decision to the employee and the Executive Director.

Step IV: If the employee has completed the above steps and remains dissatisfied, he/she may file a written appeal with the Executive Committee within 10 working days of receipt of the decision of the Personnel Committee.

The Chairperson must set a date for a hearing before the Executive Committee within 20 working days of receipt of the appeal and ask that the employee, employee's attorney, Executive Director and other interested parties be present.

In the absence of funds or time for Committee travel, the employee may choose either a hearing during the next regularly scheduled Board meeting or a telephone conference call. The hearing must be conducted in a closed Executive Committee session and all records are to be confidential.

PROGRAM OPERATIONS MANUAL

If the Executive Committee chooses to hear an appeal, the Executive Committee must submit a written statement of the Final Resolution of the appeal to the employee, within five (5) working days of the hearing.

The decision of the Executive Committee is final and is not subject to appeal to the full Board.

All reports and rulings related to appeals shall become a permanent part of an employee's personnel file unless otherwise authorized in the final written decision of the appeal.

Retaliation

Any employee or Board member who has been found to have taken retaliatory action against a NPAIHB employee because of a formal grievance will be subject to disciplinary action.

Whistle-Blower Protection

Employees and volunteers are encouraged to report any alleged dishonest, fraudulent, or unlawful activity, policy, or practice of the NPAIHB, or of another individual or entity with which the NPAIHB has a business relationship, on the basis of a reasonable belief that the activity, policy, or practice is in violation of applicable law or a clear mandate of public policy (e.g., concerning financial practices, health, safety, welfare, or protection of the environment) or of NPAIHB's policies. Such reports shall be made to the Executive Director, or if involving the Executive Director, to the Chairman of the NPAIHB. Information reported will be kept confidential to the extent possible.

The NPAIHB will expeditiously investigate all such reports of suspected wrong-doing, and take action as appropriate. If, after investigation, substantial facts cannot be established, the situation will be monitored for a reasonable period of time.

The NPAIHB will not retaliate against an employee or volunteer who makes a good faith report, or who threatens in good faith to make a disclosure, to an appropriate public authority.

SECTION D: SCIENTIFIC MISCONDUCT POLICY

POLICY

The Northwest Portland Area Indian Health Board (NPAIHB) expects research investigators to observe the highest standards of professional conduct. NPAIHB will act to prevent, detect, and deal with possible misconduct by NPAIHB research personnel.

Misconduct is defined as (1) fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research; (2) material failure to comply with federal requirements affecting specific aspects of the conduct of research, such as the protection of human subjects and the welfare of laboratory animals.

All allegations or other indications of misconduct shall be promptly reviewed in accordance with the procedure described below. The procedure shall be prompt, thorough, and conclusive; shall protect the rights of the affected parties, including confidential treatment; and shall afford an opportunity for the accused to comment on allegations and findings of the inquiry and/or the investigation.

All allegations that are substantiated after investigation shall result in appropriate administrative action.

Accusations of falsifying or misrepresenting research results are serious charges. Any person contemplating such accusations should fully consider the gravity of the accusation and its consequences and should make every reasonable effort to avoid lodging charges that are unsubstantiated or frivolous. Making frivolous or false accusations may constitute grounds for disciplinary action.

PROCEDURE

The key decision-maker in carrying out the procedure shall be the Executive Director. In the event that the Executive Director has a conflict of interest with a specific claim, the medical epidemiologist will serve as a replacement.

The procedure for acting on allegations of scientific misconduct includes four phases: (1) the allegation; (2) initial inquiry; (3) investigation; and (4) final determination and adjudication.

1) Allegation

Charges of scientific misconduct shall be brought to the Executive Director. The charges must be stated in writing and describe what misconduct is alleged and on what basis. An allegation may be made anonymously; however, NPAIHB will protect the confidentiality of the person bringing an allegation if his/her identity is disclosed and that person requests confidentiality. The person bringing a charge should consider carefully whether reaching the truth can be enhanced by his/her full and candid cooperation or will be diminished by a request for confidentiality.

2) Initial Inquiry

The initial inquiry stage will include initial information gathering and fact-finding sufficient to determine whether an allegation of misconduct warrants an investigation. The standard for determining

PROGRAM OPERATIONS MANUAL

whether an allegation of misconduct warrants an investigation shall be reasonable cause that there has been misconduct.

- a) The Executive Director will advise the accused of the allegation and of the process to follow. The Executive Director shall have the authority to take whatever steps are necessary to secure data needed to ascertain whether there is reasonable cause to believe that there has been misconduct.
- b) The Executive Director will appoint an Inquiry Committee of no more than three individuals to conduct the initial inquiry into the allegations. The members of the Inquiry Committee shall not have been involved in the scientific work under question and shall be otherwise free from any material conflict of interest. Legal counsel shall advise the committee.
- c) The Inquiry Committee shall hold private and separate sessions to hear the accuser, the accused, and others as determined necessary by the Inquiry Committee. All evidence that is produced which bears directly upon the charges shall be secured and reviewed. The Inquiry Committee shall make a report and recommendation to the Executive Director within ten (10) working days after the Executive Director has been informed of the charge. Under exceptional circumstances this period may be extended but not to exceed twenty (20) working days. The recommendation from the Inquiry Committee shall either be 1) that the allegations are without merit; or 2) that there is reasonable cause to believe that the allegations are true. The report shall be made in writing and shall contain a description of the evidence reviewed, the conclusion reached and the Inquiry Committee's supporting rationale.
- d) The accused shall receive the Inquiry Committee's report and if s/he comments on the report the comments will be made a part of the record.
- e) The Executive Director shall review the recommendation and supporting rationale of the Inquiry Committee and make a final determination of whether to undertake an investigation. This decision shall be delivered in writing along with the Inquiry Committee report, without necessary delay, to the accused, the Inquiry Committee, the NPAIHB Chair and members of the NPAIHB Executive Committee. The accuser, if identifiable, shall be given the portion of the report which addresses his/her role and opinions and a summary of the final determination of the inquiry.

3) Investigation

The investigation stage will involve examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is admitted, an investigation may nevertheless be conducted to determine the extent of any adverse effects resulting from the misconduct.

- a) The Executive Director shall have the authority to suspend the accused, with or without pay, during the investigation phase, or to limit the work to be done by the accused.
- b) The Executive Director shall determine whether any sponsoring agency must be notified that an investigation is underway and assure that notice is given.
- c) The Executive Director shall convene an Investigating Committee composed of individuals with both scientific and tribal community expertise to conduct a complete investigation of the allegations. The Investigating Committee should not be excessive in size, but should contain individuals with sufficient expertise and dedication to conduct a thorough and equitable investigation. The members of the Investigating Committee shall be free from any material conflict of interest. In order to assure no material conflict of interest, members of the Investigating Committee may be selected from outside NPAIHB. The Executive Director may also choose to have selected external experts serve as reviewers of all or part of the Investigating Committee's report.

PROGRAM OPERATIONS MANUAL

- d) The Investigating Committee shall conduct a thorough, timely, and conclusive report within a 90-day period. Under extenuating circumstances, the Executive Director shall have the authority to extend the 90-day period, but not to exceed an additional 10 working days.
- e) The investigation shall be conducted in such a way as to maximize the determination of truth in the matter. At the discretion of the Investigating Committee, the accused, the accuser and any witnesses shall be heard privately by the Investigating Committee, not in the presence of others. All relevant evidence should be secured and that evidence which bears directly upon the charge shall be reviewed. The Investigating Committee may audio or video record any session.
- f) The Investigating Committee shall have necessary support (e.g., clerical, information gathering, organizational, security, record keeping, and confidentiality) which will be arranged by the Executive Director. Legal counsel shall advise the Investigating Committee.
- g) The Investigating Committee will provide a written report of its process, findings, conclusions, recommendations, and supporting rationale, together with all documentation and evidence, to the Executive Director and the accused. If the accused comments on the Investigating Committee's report, such comment will be made part of the record.
- h) Within five (5) working days, the Executive Director shall review the report and make a recommended finding to the Executive Committee as to whether misconduct has been substantiated. The Executive Director will also recommend further actions to the Executive Committee. This recommendation will be delivered in writing together with the Investigating Committee's report and recommendations to the accused, the Investigating Committee, and the Chair and members of the Executive Committee. The accuser shall be given the portion of the report which addresses his/her role and opinions and a summary of the final determination of the investigation.
- i) The Executive Director will assure that necessary reports are filed with appropriate sponsoring agencies.

4) Final Determination and Adjudication

- a. With advice of legal counsel, the NPAIHB Executive Committee shall review the report and recommendations of the Executive Director. It shall have the right to call before it any party or witness from whom the Executive Committee, in its sole discretion, determines it should take additional testimony. The Executive Committee shall make a final determination regarding the alleged misconduct. This decision shall be delivered in writing without unnecessary delay to the accused, the Executive Director, the Inquiry Committee, and the Investigating Committee. The accuser, if identifiable, shall receive a summary statement of the final determination.
- b. If any misconduct is substantiated, collaborators shall be advised as well as any publication offices affected.
- c. If misconduct is not substantiated, the Executive Director will undertake immediate efforts to restore the reputation of those under investigation by notifying all collaborators and parties involved in the investigation and any sponsoring agencies or publishers in writing.
- d. If misconduct is substantiated, the NPAIHB Executive Committee will initiate appropriate sanctions. Sanctions available to the Executive Committee include, but are not limited to the following types of actions: requiring that work be corrected or redone; requiring that work be done under supervision; requiring repayment of costs incurred by NPAIHB and caused by the misconduct; requiring that scientists or other implicated personnel be placed on probation, suspended from work with or without pay or terminated from employment. Actions or combinations of actions of this kind may be taken either for a specified period of time or permanently.

PROGRAM OPERATIONS MANUAL

- e. The Executive Committee's decision on sanctions to be administered shall be made within five (5) days of the Executive Committee's final determination regarding the misconduct and shall be delivered in writing to the accused, the Executive Director, the Inquiry Committee, the Investigating Committee, and members of the Executive Committee. The Executive Committee's decision shall be final and not subject to appeal to the full Board.

SECTION E: FINANCIAL CONFLICT OF INTEREST POLICY

The Northwest Portland Area Indian Health Board (NPAIHB) is committed to conducting Research in a manner that ensures the integrity of its Research projects. NPAIHB requires its employees and any other person who is responsible for the design, conduct or reporting of Research being conducted by NPAIHB, to promptly disclose significant financial interests and other situations that present a conflict of interest or the appearance of a conflict of interest. NPAIHB operates in accordance with federal regulations addressing Research conflicts of interest, including financial conflict of interest, as required by 42 C.F.R. Part 50, Subpart F (Public Health Service grants and cooperative agreements) and 45 C.F.R. Part 94 (Public Health Service contracts) (hereinafter collectively referred to as “Federal Regulations”).

The purpose of this policy is to describe minimum requirements for identifying and managing financial conflicts of interest in the conduct of Research. These requirements apply to all Research being conducted in whole or in part in NPAIHB, regardless of the Research Sponsor.

Definitions

A **conflict of interest** arises when personal or financial interests influence professional judgment or decision-making. Anything that creates a divided loyalty or the appearance of a divided loyalty between the Investigator and either NPAIHB or Research participants may be a conflict of interest. A potential conflict of interest exists when an Investigator has the potential for personal financial or other non-financial benefit from the outcome of a study, including an equity, or other financial interest in the company that is sponsoring Research in which s/he participates.

Financial Interest: Anything of monetary value, whether or not the value is readily ascertainable.

Financial Conflict of Interest (FCOI): A Significant Financial Interest that could directly and significantly affect the design, conduct or reporting of Research.

Immediate Family: This includes the following individuals, regardless of whether they are living in the household of the Investigator: spouse, domestic partner, minor or dependent children or former spouse for whom financial assistance is provided, and any other related or unrelated individuals living in the household who are financial dependents.

Institution: The entity that receives funding from the Public Health Service of the U.S. Department of Health and Human Services (PHS), meaning NPAIHB or its subcontractors.

Institutional Responsibilities: These include an Investigator’s professional responsibilities on behalf of NPAIHB, including those involving Research and Research consultation.

Investigator: The Investigator means the project director or principal investigator (PD/PI) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of Research, or proposed Research. This may include collaborators or consultants. For Research funded by the PHS, the term Investigator includes, but is not limited to, all Key Personnel.

Key Personnel: The PD/PI and other individuals who contribute to the scientific development or execution of a project in a substantive, measurable way, whether or not they receive salaries or

PROGRAM OPERATIONS MANUAL

compensation under a PHS grant, cooperative agreement or contract. Consultants and those with a postdoctoral role also may be considered Key Personnel if they meet this definition.

Research: A systematic investigation, study, or experiment designed to develop or contribute to general knowledge relating broadly to public health, including behavioral and social sciences research.

Research Sponsor: Is any entity which provides funding for a Research study or an investigational product that is being tested in a study (e.g., pharmaceutical companies, device manufacturers, foundations, academic institutions, or government agencies).

Significant Financial Interest (SFI): A financial interest of the Investigator and those of the Investigator's Immediate Family that reasonably appears to be related to the Investigator's Institutional Responsibilities. For example, an SFI for any non-publicly traded entity exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or the Investigator or a member of the Investigator's Immediate Family holds any equity interest; or intellectual property rights and interests (e.g. patents, copyrights), upon receipt of income related to such rights and interests, regardless of value. The term "SFI" does not include the following types of Financial Interests:

- a) Salary, royalties, or other remuneration paid by NPAIHB to the Investigator if the Investigator is currently employed or otherwise appointed or contracted by NPAIHB, including intellectual property rights assigned to NPAIHB and agreements to share in royalties related to such rights;
- b) Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
- c) Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or
- d) Income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

PROVISIONS

1. Enrollment Bonuses and Special Payments. Investigators may not accept enrollment bonuses from Research Sponsors or any other special payments related to achieving targets or meeting timeframes established by the sponsor.

2. Ownership. Unless otherwise agreed to in writing by the NPAIHB entity in question, any inventions, intellectual property, or proprietary information developed as a result of Research conducted while on NPAIHB work time, or using NPAIHB information, equipment, or facilities is owned by the NPAIHB entity by which the Investigator is employed.

3. Publications. Investigators may not publish, formally present, or provide expert commentary on Research without disclosing a SFI in any company that sponsored the study being reported.

PROGRAM OPERATIONS MANUAL

4. Appearance of Conflict. Investigators must avoid other situations, not specifically described in this policy that may create a FCOI or the appearance of a FCOI.

5. In-kind (non-cash) Support. Investigators may not accept in-kind support from Research Sponsors, with the exception of payment of travel expenses. Immediate Family of Investigators may not accept in-kind support.

6. Travel. Investigators may receive in-kind support from Research Sponsors such as airline tickets, to attend meetings related to the conduct or review of Research. All such in-kind support must be disclosed, which disclosure shall at a minimum include the purpose of the trip, the identity of the sponsor/organization, the destination and duration.

7. Education/Information about Conflict of Interest. NPAIHB provides Investigators and others who participate in Research education about this policy, including what constitutes a FCOI and required reporting of SFIs. NPAIHB must provide this information to Investigators prior to Investigators engaging in Research, every four years thereafter, and immediately when:

- a) This policy is revised in a manner that affects the requirements for Investigators;
- b) An Investigator is new to NPAIHB; or
- c) An Investigator is not in compliance with the policy or in compliance with a plan to manage a FCOI.

8. Investigator Disclosure. Prior to engaging in Research, or before submitting an application for PHS-funded Research, as applicable, Investigators are required to disclose in writing any SFI (s) and the nature and scope of those interest(s). If an Investigator has SFIs, the Investigator must declare this in writing. Investigators must disclose all in-kind travel support, regardless of value.

- a) Investigators must immediately disclose any new SFIs that arise during the course of Research. This may occur in situations including, but not limited to, the acquisition of a financial interest through purchase, marriage, or inheritance.
- b) Investigators must submit an updated disclosure of SFIs no less than annually during the course of Research. Such disclosure shall include any information that was not disclosed initially or in a subsequent disclosure of SFIs, and shall include updated information regarding any previously disclosed SFI.
- c) Investigators who are notified of the requirement to complete a research conflict of interest disclosure form must promptly complete the form and respond to requests for clarification or additional information regarding their disclosure.
- d) All disclosures and actions taken with respect to this policy must be maintained for at least 4 years from the date the final expenditure report for a study is submitted.

9. Review of Disclosures. NPAIHB designates a conflict of interest officer (CIO) to receive and review disclosure statements from Investigators. The CIO may not review disclosures relating to the CIO's own Research or those of the CIO's Immediate Family. The CIO determines whether there is a FCOI to report and manage. Such review must occur before the expenditure of any funds under PHS-funded Research, or for ongoing PHS-funded Research, within 60 days of an Investigator's disclosure of a SFI. Additionally, whenever a FCOI is not identified or managed in a timely manner (including failure by the

PROGRAM OPERATIONS MANUAL

Investigator to disclosure a SFI that is an FCOI, failure by NPAIHB to review or manage such an FCOI, or failure by Investigator to comply with a FCOI management plan), NPAIHB will, within 120 days of determining such non-compliance, complete a retrospective review of the Investigator's activities and the Research to determine whether any Research conducted during the period of non-compliance was biased in the design, conduct or reporting of such Research. Such retrospective review shall comply with the applicable Federal Regulations.

10. Reporting to the Public Health Service NPAIHB reports a FCOI if it is related to PHS-funded Research and the SFI identified could directly and significantly affect the design, conduct, or reporting of the PHS-funded Research. A SFI is related to PHS-funded Research if NPAIHB reasonably determines that the SFI could be affected by the PHS-funded Research, or is in an entity whose financial interest is affected by the Research.

a) Timing of Reporting. NPAIHB reports to PHS before NPAIHB's expenditure of any funds under a PHS-funded Research project. If NPAIHB identifies a FCOI and eliminates it before its expenditure of PHS-awarded funds, NPAIHB does not submit an FCOI report to PHS. If NPAIHB identifies a FCOI during ongoing PHS-funded Research, NPAIHB reports to PHS within 60 days of identifying the FCOI.

b) Method of Reporting. NPAIHB provides to the PHS Awarding Component an FCOI Report regarding any Investigator's SFI found by NPAIHB to be a FCOI.

c) Information to Include in Report. An FCOI report must include sufficient information to enable the PHS Awarding Component to understand the nature and extent of the FCOI, and to assess the appropriateness of NPAIHB's management plan. The requirements for what the FCOI report must contain are detailed in Appendix 1 of this policy, Reporting Requirements to PHS.

d) Annual Reporting. For any FCOI reported by NPAIHB, with regard to an ongoing PHS-funded Research, NPAIHB provides to the PHS Awarding Component an annual FCOI Report that addresses the status of the FCOI and any changes to the management plan for the duration of the PHS-funded Research. The annual FCOI Report specifies whether the FCOI is still being managed or explains why the FCOI no longer exists. NPAIHB provides these annual reports in the time and manner specified by the PHS Awarding Component.

e) Corrective Action. If an Investigator's failure to comply with this policy or a management plan appears to have biased the design, conduct, or reporting of the PHS-funded Research, NPAIHB promptly notifies the PHS Awarding Component of the corrective action taken or to be taken.

f) Management of Financial Conflicts of Interest. The CIO develops and implements a plan to manage (e.g., reduce or eliminate the FCOI; ensure to the extent possible that design, conduct and reporting of Research are free from bias) any FCOI consistent with the applicable Federal Regulations. NPAIHB must develop and implement a management plan before the expenditure of any funds under PHS-funded Research, or for ongoing PHS-funded Research within 60 days of an Investigator's disclosure of a SFI. NPAIHB monitors the Investigator's compliance with the management plan.

11. Sanctions. Failure to comply with this policy will result in institutional sanctions to the Investigator, which may include loss of Research privileges. Persons who fail to comply with this policy are subject to disciplinary action, up to and including termination.

12. Documentation and Retention of Documentation. NPAIHB maintains records relating to all Investigator disclosures and NPAIHB's review of, and response to, such disclosures (whether or not a disclosure resulted in the determination of a FCOI), and all actions under this policy, for a period of 4 years from the date of submission of the final expenditures report for the PHS-funded Research.

13. Posting on a Publicly Accessible Web Site. In accordance with Federal Regulations, this policy is posted on www.NPAIHB.org, which is accessible to the public. In addition, prior to NPAIHB's expenditure of any funds under a PHS-funded Research project, NPAIHB ensures public accessibility, via its website named above, of information concerning any SFI disclosed to NPAIHB that meets the following three criteria: (1) The SFI was disclosed and is still held by the Key Personnel; (2) NPAIHB determines that the SFI is related to PHS-funded Research; and (3) NPAIHB determines that the SFI is a FCOI. NPAIHB maintains this information on the publicly accessible website, consistent with the applicable Federal Regulations, for 4 years from the date the information was most recently updated.

14. Subcontracts. When NPAIHB subcontracts PHS-funded Research to another Institution, NPAIHB takes reasonable steps to ensure that the other Institution's Investigators comply with either this policy or, if the other Institution's policy complies with federal regulations, complies with the other Institution's policies. NPAIHB includes the following terms in its subcontracts:

- a) If the subcontractor's Investigators will comply with the subcontractor's financial conflicts of interest policy, the subcontractor will certify as part of the agreement that its policy complies with the Federal Regulations. Additionally, the agreement will specify time period(s) for the subcontractor to report to NPAIHB all identified financial conflicts of interest, as defined by the Federal Regulations, which time period(s) will be sufficient to enable NPAIHB to provide FCOI reports before the expenditure of funds, and within 60 days of any subsequently identified FCOI.
- b) If the subcontractor will not provide such certification, the agreement will state that subcontractor Investigators are subject to NPAIHB's policy for disclosing SFIs that are directly related to the subcontractor's work for NPAIHB. The agreement will specify time period(s) for the subcontractor to submit all Investigator disclosures of SFIs to NPAIHB, and which time period(s) will be sufficient to enable NPAIHB to comply in a timely manner with its review, management, and reporting obligations under the Federal Regulations.

SECTION F: SAFETY POLICY

The NPAIHB is committed to ensuring the safety of its employees, clients, and Board members while engaged in Board activities. Employees are required to immediately report any unsafe or hazardous conditions they become aware of to the Executive Director and to take any practical steps to prevent any persons or property from being harmed by these conditions. Supervisors are required to report such conditions to the Executive Director and are further required to take whatever practical steps within their power to prevent any persons or property from being harmed by these conditions. Failure to comply with these reporting requirements will subject the employee to Disciplinary Action.

All employees are required to report work-related accidents to the designated safety officer (Human Resources Office) by close of business on the working day during which the accident occurred. Employees away from the Board office who suffer a work-related injury must phone in a report to the Safety Officer within 24 hours of the accident.

SECTION G: DRUG FREE WORK PLACE POLICY

DRUG FREE WORK PLACE GUIDING PRINCIPLES

It is the policy of the NPAIHB to provide its employees with a safe and healthy work environment. In order to do so, the Board prohibits the use, sale, dispensing or possession of illegal drugs and alcoholic beverages in the work place.

The intent of the NAPIHB's Drug Free Workplace Policy is not to diagnose alcoholism or chemical dependency, but rather to respond appropriately and consistently to inappropriate work behavior. The Board takes the position that alcoholism and chemical dependency are illnesses, and that an employee with either illness should have the same opportunity to rehabilitate as with any other illness, should they choose to do so. However, this position in no way circumvents the discipline policy already being utilized by the NPAIHB. Therefore, any reasonable request of an employee that is refused by a supervisor will be handled through existing policy and procedures.

DRUG FREE WORKPLACE CONDITIONS AND PROCEDURES

These conditions and procedures apply to instances of alcohol and/or drug use which affect the job performance of the individual, the safety of co-workers and the public, the reputation of the NPAIHB, and the violation of federal, state, and local laws. They are as follows:

- 1) Alcoholism and/or chemical dependency are recognized as diseases for which there is treatment and rehabilitation, and for which the employee has individual responsibility.
- 2) Employees who suspect they may have an alcohol and/or drug problem are encouraged to seek rehabilitation through appropriate treatment as early as possible.
- 3) Supervisors can, upon request from an employee, provide assistance to identify an appropriate treatment program.
- 4) Referral for diagnosis will be based on job performance, safety factors, and/or test results (as specified).

PROGRAM OPERATIONS MANUAL

- 5) The refusal of the individual to accept referral for diagnosis or to follow prescribed treatment will be handled through existing disciplinary procedures.
- 6) No employee who requests treatment for an illness will have job security or promotional opportunities jeopardized.
- 7) The confidential nature of records of individuals with substance abuse problems will be strictly preserved and separately maintained from the personnel files, unless disclosure or release is required by law or given written consent by the individual, and will be destroyed upon successful rehabilitation by the employee.
- 8) Employees utilizing treatment and rehabilitation programs will be expected to meet existing job performance standards, safety standards, and established work rules within the framework of existing agreements.
- 9) At all work sites, a reasonable request to provide a urine sample to determine the presence of alcohol, intoxicants, or controlled substances (drugs) may be made under the following circumstances:
 - a. As a result of probable cause established by unacceptable work performance or workplace behavior document by at least two supervisors who observe the employee.
 - b. An on-the-job accident involving personal injury.
 - c. As a condition of filing a claim for compensation under the Workers Compensation Insurance benefits offered to all employees of the Board.
 - d. Monitoring of employees during a period of one (1) year following completion of a substance abuse rehabilitation program.
- 10) Any employee who refuses a reasonable request by a manager or supervisor to be tested to determine the presence of alcohol, intoxicants, or controlled substances (drugs) will be considered insubordinate and will be terminated.

Additional Conditions

- 1) Employees of the NPAIHB or any contractor or outside vendor doing business with the Board shall not use, possess, dispense or receive alcohol, intoxicants or controlled substances (drugs) on the Board's premises or report to work under the influence of alcohol, intoxicants or controlled substances (drugs).
- 2) Alcohol and controlled substances (drugs) obtained without a valid prescription are prohibited from the NPAIHB offices as well as from all work assignments conducted off the premises. Law enforcement officials will be notified if illegal drugs are found either on work site property or on work assignments.
- 3) Any NPAIHB employee convicted of any drug offense that has an adverse effect on the Board or a negative influence on co-workers will be subject to disciplinary action that could result in termination.
- 4) As a condition of continuing employment, all NPAIHB employees engaging in abnormal or erratic behavior that has a negative impact on work performance such as excessive absenteeism, fighting, falling asleep while on duty, or displaying behavior that presents a danger to themselves or others, will be asked to submit to a urine test to determine the presence of alcohol, intoxicants or controlled substances (drugs). In the case of injury occurring on the job, employees will be asked, additionally, to submit to (a) a breath test to establish the state of impairment if a "reasonable basis" has been established regarding alcohol consumption or (b) a blood test when medical complications prevent a breath test from being conducted.
- 5) Any employee of the NPAIHB who willfully contaminates urine samples submitted for the purpose of testing for the presence of alcohol, intoxicants or controlled substances (drugs) will be terminated.

Nothing in the Drug Free Work Place Conditions and Procedures is to be interpreted as constituting a waiver of management's responsibility to maintain discipline, or the right to take disciplinary action within the framework of existing agreements, in the case of misconduct that may result from alcohol, intoxicants or controlled substance (drug) abuse.

SECTION H: HARASSMENT POLICY

Policy

The Northwest Portland Area Indian Health Board (the Board) is committed to courteous and considerate treatment of its employees. It is the intent of the Board that all employees work in an environment that is free from discrimination and/or harassment of any employee by another employee, supervisor, manager, contractor, customer, or other non-employee. All employees who witness, experience, or otherwise possess information on an incident of harassment are required to report it. All complaints that are brought to the attention of the Board Administration will be promptly and thoroughly investigated. If it is determined that harassment occurred, the Board will take immediate and appropriate corrective action to resolve the situation. There will be a training session on the Board's Harassment Policy at least once a year and every employee shall attend such training or its equivalent.

If an employee of the Board is the offender, corrective action will include appropriate disciplinary action up to and including dismissal of the offending employee and the assurance that:

- 1) The harassment will cease;
- 2) The harassment will not reoccur; and
- 3) There will be no retaliation as a result of the harassment being brought to the attention of the management or any supervisor at the Board.

This policy prohibits conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an offensive work environment and forbids harassment of any kind.

The Board strongly disapproves of harassment of its employees in any form, and maintains that all employees, at all levels of the Board, must avoid offensive and inappropriate behavior at work when on Board business, or when they are representing the Board in any way.

Harassment can be classified as one of two types:

1. ***Quid Pro Quo*** harassment is where submissions to the conduct is a term or condition for employment or is used as a basis for an employment decision.
2. ***Hostile work environment*** has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment. A claim could be based on but not limited to threatening, demeaning, hostile or offensive conduct. Generally a series of incidences is needed to create a hostile environment claim and the strength of the claim depends on the number and intensity of such incidents.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD
PROGRAM OPERATIONS MANUAL

Sexual Harassment:

Sexual harassment is defined as the unwelcome sexual conduct that effects an individual's employment. An employee's conduct will be considered unwelcome and in violation of this section when the employee knows or should know it is unwelcome to the person subjected to the conduct. Non-exclusive examples of prohibited sexual harassment include unwelcome physical conduct (such as touching, blocking, staring, making sexual gestures, and making or displaying sexual drawings or photographs) and unwelcome verbal conduct (such as sexual propositions, slurs, insults, jokes, and other sexual comments).

Complaint Procedure

No employee is required to complain first to the person who is allegedly performing the harassing behavior. An employee may make a complaint about witnessing or experiencing harassing behavior to the supervisor of the alleged harasser, the employee's immediate supervisor, the Management Team or the Executive Director. If the complaint involves the Executive Director, the employee may report the incident to any member of the Board's Personnel Committee. Complaints are accepted either orally or in writing. When submitted orally, the notified individual or investigator should take the complaint down in writing and obtain the employee's verification that the prepared statement is correct.

The Board will promptly and thoroughly investigate complaints or reports of violation of this Section. A thorough investigation may take several weeks. An employee who has filed a complaint or a report pursuant to this Section may inquire, at any time, about the status of an investigation.

Anyone found to have filed a complaint/report of harassment, when such accusation is determined to be deliberately dishonest or in bad faith will be determined to have violated this Section.

The Board will take prompt disciplinary and remedial action if its investigation shows a violation of this Section. Appropriate disciplinary action will depend upon the circumstances and may include warnings, training, or termination.

The Board will protect the confidentiality of all complaints and reports of harassment to the extent possible and practicable.

No Retaliation

No reprisal, retaliation, or other adverse action will be taken against any employee for making a good faith complaint or report of harassment, or for assisting in a good faith investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Executive Director, or in the case of the Executive Director conducting retaliatory behavior, any member of the Board's Personnel Committee. All such reports will be investigated and any supervisor or other employee found to have retaliated against an employee for filing a good faith harassment complaint will be terminated.

SECTION I: TOBACCO POLICY

Policy

Exposure to commercial tobacco creates a significant risk for the health of our community and future generations. Further, research has found that there is no threshold for safe exposure to secondhand smoke.

As of January 1, 2006, the Northwest Portland Area Indian Health Board shall be entirely smoke-free. All forms of commercial tobacco use will be strictly prohibited within company buildings, including but not limited to offices, hallways, waiting rooms, washrooms, lunch rooms, stairwells, elevators, meeting rooms and all enclosed facilities. Smoking is also prohibited in all doorways belonging to or rented by the Northwest Portland Area Indian Health Board. All company vehicles will also be designated smoke-free, including rental cars used for company business.

This policy is not intended to ban any traditional or sacred tobacco use, or to impact commercial tobacco use on personal property or in personal vehicles.

“No Smoking” signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette) shall be clearly, sufficiently, and conspicuously posted at every entrance to the building housing the Northwest Portland Area Indian Health Board.

DEFINITION: Commercial Tobacco Products: The use of commercially produced cigarettes, bidis, cigars, pipes, and other smoking tobacco are all subject to this policy. Because smokeless tobacco is just as addictive as cigarettes and causes cancer of the throat and mouth, all forms of smokeless tobacco are also restricted by this policy.

Support for Tobacco Cessation:

Because there are significant costs associated with employees who smoke, NPAIHB will reimburse current full-time staff members for the use of non-prescription tobacco-cessation drug therapies. This benefit is not to exceed \$100 per employee per year, and reimbursement must be accompanied with a signed quit-date contract (available from program managers) and receipts for non-prescription tobacco-cessation purchases, including nicotine gum, patches, or lozenges.

Because smokers are twice as likely to successfully quit tobacco if they receive counseling support in addition to pharmacotherapies, NPAIHB will allow quitting employees to engage in on-site community, intranet, or telephone-based counseling services during working hours. Employees may call NPAIHB's health plan or the national quitline number (1-800-QUITNOW), or access

<http://www.kaiserpermanente.org>,
<http://www.smokefree.gov/>,
<http://www.quitnet.org>, or
<http://women.americanlegacy.org/>

for suggestions and information on tobacco cessation and/or to find resources for cessation counseling and support. To utilize this benefit, employees should discuss and agree upon convenient counseling times with their immediate supervisor, and sign a quit-date contract (available from program managers).

Likewise, NPAIHB encourages current quitters to attend tobacco-cessation counseling sessions with certified NPAIHB health plan clinical, A&D, or CD providers. In the first month of quitting, full-time staff members may take 2-hours of sick leave per week to attend tobacco-cessation counseling sessions with a certified medical provider. During the following four months of quitting, full-time staff members may take 2-hours of sick leave every two weeks to attend tobacco-cessation counseling sessions with a certified medical provider. To utilize this benefit, employees should discuss and agree upon convenient counseling times with their immediate supervisor, and sign a quit-date contract (available from program managers).

To support recent quitters and those attempting to quit, NPAIHB endorses the use of the employee lunchroom for on-site support group meetings before or after work.

SECTION J: BACKGROUND CHECK POLICY

Policy

Once an individual has (A) received a conditional offer of employment from NPAIHB and (B) passed the background check requirement set forth in Section K, *Child Background and Character Investigation Policy*, which requires background checks for certain criminal history pursuant to Federal law, NPAIHB may thereafter make a good faith determination about whether there is any other criminal history in the individual's criminal record that may disqualify the individual from performing in the job position for which the individual received the conditional offer of employment.

As one example, but not limited hereto, NPAIHB may in its discretion determine not to place an individual in a job position involving access to or responsibility for NPAIHB financial resources or signatory authority for the NPAIHB when the individual has a criminal history of fraud, theft or other financial crimes.

Consideration of Background Check Findings

NPAIHB will consider the following:

- A. The nature and seriousness of the crime;
- B. The relationship of the crime to the work to be performed in the position;
- C. The extent to which the position might offer an opportunity to engage in further criminal activity;
- D. The nature and extent of the individual's past criminal activity;
- E. The individual's age at the time of the crime;
- F. The amount of time that has elapsed since the crime; and
- G. Any evidence of the person's rehabilitation.

In making these post-offer considerations, NPAIHB will not:

- A. Consider any "arrest history" that did not lead to conviction or juvenile adjudication, unless the related crime or act that would be a crime if committed by an adult is unresolved, or related criminal charges or juvenile adjudication are still pending against the applicant (NPAIHB may consider arrest records less than 1 year old that have not resulted in acquittal or have not been dismissed); and

PROGRAM OPERATIONS MANUAL

- B. Consider any “conviction history” that was judicially voided or expunged, or that was resolved through the completion of a diversion or deferral-of-judgment program for offenses not involving physical harm or attempted physical harm to a person.

Determination and Rescission of Conditional Offers

NPAIHB may choose to rescind a conditional offer of employment based on the considerations above if NPAIHB determines in good faith that doing so is warranted as being job-related and consistent with business necessity.

Before rescinding the offer, NPAIHB will provide the individual with an opportunity to explain why the conditional offer of employment should not be rescinded. The individual will receive a written summary of all derogatory information and be informed of the process for explaining, denying or refuting the unfavorable information. The actual background investigative report shall not be released to the individual who is the subject to the background investigation, but such individual may, to the extent permissible by law, obtain a copy of the reports from the originating agency (Federal, State or Tribal) and challenge the accuracy and completeness of the information maintained by that agency.

Should NPAIHB decide to proceed with rescinding the conditional offer of employment, NPAIHB will promptly notify the individual in writing. The written notification will at a minimum state that the conditional offer of employment has been withdrawn and identify the specific item of criminal history on which the rescission is based and the source of that criminal history.

Confidentiality

NPAIHB will maintain and keep confidential any criminal history that it obtains, consistent with the requirements set forth in Section K, *Child Background and Character Investigation Policy*, unless disclosure is required or permitted by law.

SECTION K: CHILD PROTECTION BACKGROUND CHECK POLICY

Policy

NPAIHB will not hire or employ persons, nor allow persons to volunteer, that are subject to this policy who do not meet the minimum standards of character set forth below, except as otherwise provided in this policy or by applicable law. The procedures set forth in this policy for conducting background investigations and adjudications will be used to determine suitability for employment.

1.1 Definitions

The following definitions apply to this policy:

- 1.1.1 **Child** means a person who is not married and has not attained 18 years of age.
- 1.1.2 **Crimes Against Persons** means a crime that has as an element the use, attempted use, or threatened use of physical force or other abuse of a person and includes, but is not limited to, homicide; assault; kidnapping; false imprisonment; reckless endangerment; robbery; rape; sexual assault, molestation, exploitation, contact, or prostitution; and other sexual assaults. In determining whether a crime falls within this category, the applicable federal,

PROGRAM OPERATIONS MANUAL

state, or Tribal law under which the individual was convicted or pleaded guilty or nolo contendere (i.e. "no contest") shall be controlling.

- 1.1.3 **Crimes of Violence** means a crime that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other crime that is a felony and that, by its nature, involves substantial risk that physical force against the person or property of another may be used in the course of committing a crime. In determining whether a crime falls within this category, reference may be made to the applicable federal, state, or Tribal law under which the individual was convicted or pleaded guilty or nolo contendere (i.e., "no contest").
- 1.1.4 **Employ / Employed / Employment** mean the hiring or holding of a position covered by this policy under Section 1.2 by an individual, as defined in Section 1.1.5, provided, however, that the use of one of these terms in this policy does not imply or indicate that a person is or is not an "employee" of NPAIHB.
- 1.1.5 **Individual** means a person who applies for or holds a position with NPAIHB and includes, but is not limited to, the following:
- (a) Employees of NPAIHB regardless of classification, including but not limited to regular, part-time, temporary and probationary employees.
 - (b) Persons who perform services for or under the supervision of NPAIHB.
 - (c) Persons who contract with NPAIHB to perform services in NPAIHB offices or in a location that includes regular contact with or control over a child as defined under Section 1.1.7.
 - (d) Persons who volunteer to perform services for NPAIHB in NPAIHB offices or in a location that includes regular contact with or control over a child as defined under Section 1.1.7.
- 1.1.6 **Offenses Against Children** means any felonious or misdemeanor crime under federal, state, or Tribal law committed against a victim who has not attained 18 years of age. In determining whether a crime falls within this category, the applicable federal, state, or Tribal law under which the individual was convicted or pleaded guilty or nolo contendere (i.e., "no contest") shall be controlling.
- 1.1.7 **Regular Contact with or Control Over a Child** means either responsibility for a child within the scope of the individual's duties and responsibilities or contact with a child on a recurring and foreseeable basis.

1.2 Applicability

1.2.1 Covered Individuals/Positions.

This policy and its procedures apply to all individuals as defined under Section 1.1.5 who apply for or hold the following positions:

- (a) Positions that require, as determined by the applicable NPAIHB job description or as otherwise classified by NPAIHB, regular contact with or control over children as defined under Section 1.1.7.

1.3 Recruitment

PROGRAM OPERATIONS MANUAL

1.3.1 Vacancy Announcements

All job vacancy announcements for positions covered by this policy shall contain an express statement that individuals must meet minimum standards of character and that a background investigation will be conducted.

1.3.2 Applications

- (a) All individuals who apply for positions covered by this policy must fill out an application form.
- (b) The job application will state that the performance of a background investigation and determination that the individual meets the eligibility criteria of this policy are conditions of employment.
- (d) The job application form must state that the application is being signed under penalty of perjury and acknowledge that knowingly falsifying or concealing a material fact is a felony that may result in fines up to \$10,000 or five years imprisonment, or both.

1.4 Minimum Standards of Character

The minimum standards of character are a benchmark of moral, ethical, and emotional strengths established by character traits and past conduct to ensure that the individual is competent to complete his or her job without harm to children.

1.4.1 Required Standards

No individual will be placed in or will be allowed to continue to hold a position covered by this policy if he or she has been found guilty of, or entered a plea of nolo contendere (i.e., "no contest") or guilty to, any felonious offense or any two or more misdemeanor offenses under federal, state or Tribal law involving -

- (a) crimes of violence;
- (b) sexual assault, molestation, exploitation, contact or prostitution;
- (c) crimes against persons; or
- (d) offenses committed against children;

Provided, however, that all such convictions or pleas of nolo contendere or guilty will be considered in making a determination about suitability for employment unless a pardon, expungement, set aside or other court order reaches the plea of guilty, plea of nolo contendere, or the finding of guilt.

1.4.2 Meeting the Minimum Standards of Character

The minimum standards of character will be considered met only after the individual has been the subject of a satisfactory background investigation under Section 1.5 and adjudged suitable for employment under Sections 1.6 and 1.7.

1.4.3 Other Standards

An individual may be denied or dismissed from employment or from volunteering for any position involving Child Care Services if the individual has been convicted of a sex crime, an offense involving a child victim, a drug felony, or any other crime that bears on the

PROGRAM OPERATIONS MANUAL

fitness to have responsibility for safety and well-being of children, as provided in Section 1.4.1 (requiring denial of or dismissal from employment).

1.5 Background Investigations

1.5.1 Background Investigation Required

Every individual who applies for or holds a position with NPAIHB must submit to a background investigation as a condition of employment with NPAIHB.

1.5.2 Responsible Entity

NPAIHB may conduct its own background investigation or may request that a Federal or State agency conduct the background investigation on NPAIHB's behalf and provide NPAIHB with the results of the investigation.

1.5.3 Notification and Acknowledgement

Before a background check is conducted, NPAIHB will obtain the individual's signature on a statement that the individual was notified of NPAIHB's requirement for a background investigation as a condition of employment under Section 1.5.1, the individual's right to receive a copy of the criminal history report and to challenge the accuracy of the information contained in the report, as provided in Section 1.6.3(c). Such a statement may be part of the application form under Section 1.3.2.

1.5.4 Steps for Conducting Background Investigations

The background check shall include the following steps and information:

- (a) Inquiries to State and Tribal law enforcement agencies for the previous five years for all places that an individual lists as current and former residences on the individual's application;
- (b) Consideration of the individual's fitness for employment and trustworthiness through inquiries with the individual's references and places of employment and education as listed on the individual's application for at least the previous five years; and
- (c) A determination of whether the individual meets the minimum standards of character set forth in Sections 1.4.1 and 1.4.2.

1.6 Adjudication

Adjudication is the process NPAIHB uses to determine suitability for employment (to assess the degree of risk the individual brings to the position and certify that the individual's past conduct does not interfere with performance of duties or pose an immediate or long-term risk for any child) and efficiency of service (to verify that the individual is able to perform the duties and responsibilities of the position and will not inhibit other employees from performing their functions).

1.6.1 General Requirements

- (a) Adjudication requires consistency in evaluation to ensure fair judgments are reached.
- (b) Each case will be judged on its own merits.

PROGRAM OPERATIONS MANUAL

- (c) All available information, favorable and unfavorable, will be considered and assessed in terms of accuracy, completeness, relevance, seriousness, overall significance, and how similar cases have been handled in the past.

1.6.2 Adjudicating Official

NPAIHB will appoint an Adjudicating Official to conduct the adjudications under this policy. The Adjudicating Official must first have been the subject of a favorable background investigation, must be well-qualified and trained, and must be thoroughly familiar with all laws, regulations, and criteria involved in making a determination for eligibility.

1.6.3 Adjudication Process

- (a) Review Background Investigation. The Adjudicating Official will review the background investigation conducted under Section 1.5 to determine character, reputation, and trustworthiness of the individual. At minimum, the review will include:
 - (1) Each security investigation form and employment application and a comparison of the information provided.
 - (2) The results of written record searches requested of local law enforcement agencies, former employers, former supervisors, employment references, and schools.
 - (3) Any other information obtained through the background investigation. This includes character and personal reference checks of the individual.
- (b) Consider Circumstances. The Adjudicating Official must consider the information under Section 1.6.3(a) in light of the following:
 - (1) The nature and seriousness of the conduct in question;
 - (2) The recentness and circumstances surrounding the conduct in question;
 - (3) The age of the individual at the time of the incident;
 - (4) Societal conditions that may have contributed to the nature of the conduct;
 - (5) The probability that the individual will continue the type of behavior in question; and
 - (6) The individual's commitment to rehabilitation and a change in the behavior in question.
- (c) Opportunity for review. Before the adjudication is final, the individual will be given an opportunity to explain, deny or refute unfavorable or incorrect information gathered in an investigation.
 - (1) The individual will receive a written summary of all derogatory information and be informed of the process for explaining, denying or refuting unfavorable information.
 - (2) The actual background investigative report shall not be released to the individual who is the subject to the background investigation, but such individual may, to the extent permissible by law, obtain a copy of the reports from the originating agency (Federal, State or Tribal) and challenge the accuracy and completeness of the information maintained by that agency.

PROGRAM OPERATIONS MANUAL

- (d) Final Determination. The Adjudicating Official will make a final determination regarding whether the individual meets the minimum standards of character set forth in Section 1.4. The Adjudicating Official's decision is final, and is not subject to the grievance procedures set out in NPAIHB's Program Operations Manual.

1.6.4 Investigation Information

- (a) The results of an investigation cannot be used for any purpose other than to determine suitability for holding a position that is subject to this policy.
- (b) Investigative reports will be maintained confidentially and in securely locked files.
- (c) Investigative reports shall be seen only by those officials who, in performing their official duties, need to know the information contained in the report.
- (d) NPAIHB will comply with the applicable privacy requirements of any Federal, State or Tribal agency providing background investigations.

1.7 Outcome

Once the background investigation has been conducted under Section 1.5 and the adjudication process is complete under Section 1.6, the Adjudicating Officer's final determination under Section 1.6.3(d) will be applied as follows:

- (a) **Suitable for Employment.** The individual will be deemed suitable for employment when it has been adjudicated under Section 1.6 that the individual meets the minimum standards of character set forth in Section 1.4. Suitability for employment will not necessarily result in the individual being hired or retained.
- (b) **Employment Must be Denied.** NPAIHB must deny employment to or dismiss the individual when it has been adjudicated under Section 1.6 that the individual fails to meet the minimum standards of character set forth in Section 1.4.1.

1.8 Pending or Unresolved Charges

If an individual who is applying for or holds a position with NPAIHB is charged with an offense covered by this policy under Section 1.4.1, but the charge is pending or no disposition has been made by a court, NPAIHB may, in its discretion, do any of the following:

- (a) Deny employment until the charge is resolved;
- (b) Deny the individual any on-the-job contact with children until the charge is resolved;
- (c) Reassign the individual to other duties that do not involve regular contact with children;
- (d) Suspend the individual until the charge is resolved.