

# Native American Community Clinic

## Employee Handbook



**NATIVE  
AMERICAN  
COMMUNITY  
CLINIC**

Updated January 2023

# ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this handbook to help employees find the answers to the many questions that they may have regarding their employment with Native American Community Clinic (NACC). Please take the necessary time to read it.

We do not expect this handbook to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. Native American Community Clinic adheres to the policy of employment at will, which permits NACC or the employee to end the employment relationship at any time, for any reason, with or without cause or notice.

No NACC representative other than NACC Leadership may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate NACC documents. These NACC documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general NACC guidelines. The NACC may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and NACC Leadership.

This handbook supersedes all prior handbooks.

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## Section 1 - Governing Principles of Employment

### 1-1. Welcome to NACC!

We are happy to welcome you as a new employee to the Native American Community Clinic ("NACC" or the "Clinic"). Our medical clinic opened in 2003 with only 10 staff people and lots of hope. We have grown substantially over the years, and continue to grow, more than quadrupling in size. We offer a full range of healthcare services that include Medical, Behavioral Health, Dental, Substance Abuse, and Traditional Healing programs. We've all worked hard to develop a place where patients receive high quality health care in a culturally sensitive and respectful setting. We also strive to maintain a workplace where employees can learn and grow and use their skills to empower patients and each other.

Please feel free to ask questions, offer ideas and find ways to make your job more efficient, productive, and enjoyable. We look forward to working with you!

Dr. Antony Stately - Chief Executive Officer

#### **NACC'S Mission**

Promote health & wellness of mind, body, and spirit in Native American Families

#### **NACC'S Values**

- Honor tradition & health
- Decrease health disparities for Native American families in the Twin Cities  
Provide quality care regardless of ability to pay
- Be a good relative to all honor diversity and inclusion

### 1-2. Minnesota: Equal Employment Opportunity

Native American Community Clinic is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, familial status, veteran status, sexual orientation, genetic information, public assistance, local human rights commission activity, or any other characteristic protected by applicable federal, state or local laws. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

physical or mental condition, the employee should inform Human Resources.

NACC will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the NACC's operations. If an employee wishes to request such an accommodation, the employee should speak to Human Resources.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your supervisor. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you

perceive to be a violation of this policy, please contact your second level supervisor.

Note: If your supervisor or next level manager is the person toward whom the complaint is directed you should contact any higher-level manager in your reporting chain. NACC will not allow any form of retaliation against individuals who raise issues of equal employment opportunity.

If you feel you have been subjected to any such retaliation, report it in the same manner you would report a perceived violation of this policy. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge.

### **1-3. Working Hours and Schedule**

NACC is open for business Monday through Friday. With limited hours in our medical clinic on Saturday. Schedules are set by your Manager according to operational hours of the department in which you work.

## Section 2 - Operational Policies

### 2-1. Employee Classifications

For purposes of this handbook, all employees fall within one of the classifications below:

- **Full-Time Employees** - Employees who regularly work at least 30 hours per week who were not hired on a short-term basis.
- **Part-Time Employees** - Employees who regularly work fewer than 30 hours per week who were not hired on a short-term basis.
- **Short-Term Employees** - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis. Short-Term Employees generally are not eligible for NACC benefits but are eligible to receive statutory benefits.

Employees who regularly work at least 30 or more hours per week who were not hired on a short-term basis are eligible for health insurance benefits.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

### 2-2. Your Employment Records

To obtain their position, employees have provided personal information, such as address and telephone number. This information is contained in their personnel file.

Employees should keep their personnel file up to date by informing Human Resources of any changes. Employees also should inform Human Resources of any specialized training or skills they acquire, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem.

### 2-3. Minnesota: Right to Review Personnel Records

Under Minnesota law, active employees have the right to review their personnel record once every six (6) months. Employees who leave Native American Community Clinic may review their personnel record once every year as long as NACC maintains the personnel record.

To review their personnel record, employees must make a good faith request in writing to Human Resources. Employees may also request a copy of the record at the time they review it. The copy will be made available to the employee at no cost.

NACC will provide employees an opportunity to review their personnel record within seven (7) working days of



the written request or within 14 working days of the written request if the personnel record is physically located outside of Minnesota.

What is contained in the personnel record is carefully defined under Minnesota law. The law does not require employee access to information that is not contained in the personnel record.

If employees dispute information contained in their personnel record, they may request that it be removed from the record. However, if NACC does not agree the information should be removed, the employee may submit a written response to the denial (not to exceed five (5) pages).

No action can be taken against employees who appropriately ask to review their personnel records.

If employees are improperly denied their rights as provided by this law, the law provides certain remedies.

This notice only describes some of the employee's rights under the law. For more information, the Minnesota statutes detailing employee rights can be found at Minnesota Statutes. § 181.960 through Minnesota Statutes §181.965. These laws can be found on the internet at <https://www.revisor.mn.gov/pubs/> or in public libraries throughout the state.

## **2-4. Documentation of Work Hours**

It essential for the finance department to have the necessary documentation to reflect all time employees have worked during a pay period, and to account for all regularly scheduled work that the employee did not work, prior to issuing a paycheck. This is a legal requirement, and it is the employee's responsibility to make sure this documentation is complete and accurate.

You will be assigned a work schedule and you will be expected to begin and end work according to the schedule. To accommodate the needs of our business, at some point we may need to change individual work schedules on either a short-term or long-term basis.

If an employee had any schedule changes, missed punches, offsite work, or unplanned time off, a paper NACC TIME FORM must be completed. The NACC time form must be signed by the employee and all changes must be approved and signed off by the employee's manager at the time of the incident. Only one form per pay period may be used, putting all changes on one form. The NACC time form should be turned in to the employee's direct supervisor/manager by the end of the pay period. Time cards are reviewed and approved by the employee's supervisor/manager. Then the Finance department reviews, and the payroll is processed by the finance department.

Exempt and non-exempt are required to document hours worked. Non-exempt employees must also punch out for lunch breaks. If a punch is missed, please contact your manager immediately.

## **2-6. Working from Home**

Native American Community Clinic may allow employees to work remotely if their job duties and work performance are determined to be eligible for remote work. Eligibility will be decided on a case-by-case basis based on the needs of the organization and the employee's suitability for remote work. Employees also may be required to work remotely during periods of public health emergencies if government orders and mandates recommend such work.

This policy provides general information regarding remote work/telecommuting. Employees who are approved to work remotely should consult their individual agreement for specific details of their remote work/telecommuting arrangement, such as expected work hours, equipment provided, and other important information.

Any remote work/telecommuting arrangement may be discontinued by NACC at any time and at the discretion of NACC. Employees also may discontinue the arrangement but may not be guaranteed office space at NACC's location.

### **At-Will Employment**

This policy and any individual agreement addressing this work arrangement do not create a contract of employment and are not intended to be considered or construed as a promise of continued employment. Employment is at will and may be discontinued at any time by NACC or the employee without notice, cause, or liability.

### **Eligibility**

Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- **Job suitability.** A suitable position is defined as a position that has responsibilities that can be, at any given time, conducted from a remote location without affecting service quality or organizational operations. This analysis is based on the work to be done, not on the employee.
- **Employee suitability.** The employee and manager will assess the needs and work habits of the employee. The following characteristics/ factors will be considered when determining employee suitability for work from home arrangements:
  - Desire of employee to work from home
  - Satisfactory performance or better on most recent review
  - Reliable work history
  - Demonstrated ability to take a proactive approach to work
  - Maintenance of consistent communication with supervisor
- **Equipment needs, workspace design considerations and scheduling issues.** The employee and manager will review the physical workspace needs and the appropriate location for the telework. HR will ensure telecommuting staff signs laptop policy and home offices are HIPAA compliant.

If the employee and manager agree, and the human resource department concurs, a draft work from home agreement will be prepared and signed by all parties.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems.

Evaluation of telecommuter performance will focus on work output and completion of objectives—remote work agreements can be discontinued at any time based on the needs of the organization or the performance of the employee.

### **Hours of Work**

Employees will work full time from home. Scheduled hours of work will be set by the employees' manager or

supervisor. Employees should maintain regular contact with their supervisors and managers.

Nonexempt employees must accurately record all hours worked pursuant to NACC's timekeeping system and take rest and meal breaks as required by law. Nonexempt employees may not work beyond scheduled working hours (including working more than 40 hours in a workweek) without prior, written authorization from their manager or supervisor.

### **Location**

Employees will provide, at their expense, a secure, dedicated work area. Employees are responsible for maintaining the work area in a safe, secure, and nonhazardous condition at all times. Employees will maintain security devices and procedures necessary to prevent use by unauthorized persons, including by preventing the connection of any NACC-furnished computer system, network, or database to any computer, network, or database other than a computer, network, or database to which connections are provided or authorized by NACC.

### **Duties**

Employees are expected to follow all existing NACC policies and procedures. The duties, obligations, responsibilities, and conditions of employment with NACC remain unchanged. Employees must stay engaged with work throughout the workday and be fully available during normal business hours. If employees do not successfully perform their job duties remotely, this arrangement will be revoked. Employees are expected to follow existing NACC policies with respect to scheduled and unscheduled time off, including the obligation to speak with their manager or supervisor before the scheduled start time in the event of an unscheduled absence, tardy, or early departure.

### **Accidents and Injuries**

Employees agree to maintain safe conditions in the remote workspace and to practice the same safety habits and rules applied on NACC premises. If employees incur an injury arising out of the course and scope of the assigned job duties while working in the remote workspace, the workers' compensation provisions in place for the state in which the employees are working will apply. Employees must notify their supervisor or manager immediately and complete all necessary and/or requested documents regarding the reported injury. NACC assumes no responsibility for injuries occurring in the remote workspace outside normal working hours or for injuries that occur as a result of a reasonably recognizable unsafe remote work space.

### **Equipment**

Employees agree to use electronic equipment that has been encrypted and meets all of NACC's security requirements. If NACC provides equipment for home use, employees agree to provide a secure location for NACC-owned equipment and will not use, or allow others to use, such equipment for purposes other than NACC business. Employees have no expectation of ownership in such equipment, linkages, property, or other items installed or provided by NACC. NACC will bear the expense of removal of any such equipment, linkages, and installations provided by NACC upon the termination of the remote work/telecommuting arrangement but not modification of or repairs to the work location. Employees hereby release NACC from any damage or liability incurred in the installing or removal of the equipment provided by NACC.

### **Return of NACC Property**

All equipment, records, and materials provided by NACC will remain NACC property. Employees agree to return NACC equipment, records, and materials upon request. All NACC equipment will be returned by employees for inspection, repair, or replacement as needed or requested or immediately upon termination of the remote

work/telecommuting arrangement. All equipment must be returned within five (5) business days of written notice to the employees.

### **Expenses**

Upon presentment of receipts and in accordance with the Business Expense Reimbursement policy, NACC will reimburse employees for certain preapproved expenses.

Regular household utility charges, such as electricity, water, phone, Internet service, auto, homeowners' insurance, etc., are not reimbursable unless state law requires reimbursement.

### **Confidentiality**

Employees agree that they are subject to NACC's policies prohibiting the nonbusiness use or dissemination of NACC's confidential business information. Employees will take all appropriate steps to safeguard NACC's confidential business information, including segregating it from personal papers and documents, not allowing nonemployees to access such information, and keeping such information in locked drawers or file cabinets when not in use. Employees will maintain confidential information, including, but not limited to, information regarding NACC's products or services, processing, marketing and sales, client lists, client e-mail addresses and mailing addresses, client data, orders, memoranda, notes, records, technical data, sketches, designs, plans, drawings, trade secrets, research and development data, experimental work, proposals, new product and/or service developments, project reports, sources of supply and material, operating and cost data, and corporate financial information.

### **Contact**

If employees have any questions concerning this policy or would like to apply to work remotely, they should contact Human Resources.

## **2-7. Overtime**

Like most successful companies, Native American Community Clinic experiences periods of extremely high activity. During these busy periods, additional work is required from all of us. Supervisors are responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations.

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) their normal hourly wage for all time worked in excess of 40 hours each week, unless otherwise required by law.

Employees may work overtime only with prior management authorization. Employees may work overtime only with prior management authorization. Prior to working overtime hours, a signed form is required. Failure to have a signed authorization for approval for overtime will result in disciplinary action

For purposes of calculating overtime for non-exempt employees, the workweek begins at 12 a.m. on Sunday and ends 168 hours later at 12 a.m. on the following Sunday.

## 2-8. Safe Harbor Policy for Exempt Employees

It is Native American Community Clinic's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours, they may work for Native American Community Clinic. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because NACC has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact Finance Director or any other supervisor in Native American Community Clinic with whom the employee feels comfortable.

## **2-9. Your Paycheck**

You will be paid bi-weekly for any time you have worked during the past pay period.

Your payroll stub itemizes deductions made from your gross earnings. By law, NACC is required to make deductions for Social Security, federal income tax, and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Your payroll stub will also differentiate between regular pay received and overtime pay received.

If you believe there is an error in your pay, bring the matter to the attention of Finance Director immediately so NACC can resolve the matter quickly and amicably.

## **2-10. Minnesota: Wage Disclosure Protections**

Under Minnesota law, an employer may not:

1. require nondisclosure by employees of their wages as a condition of employment;
2. require employees to sign a waiver or other document which purports to deny them the right to disclose their wages;  
take any adverse employment action against employees for disclosing their own wages or discussing another employee's wages which have been disclosed voluntarily.

Nonetheless, this policy should not be construed to:

1. create an obligation on Native American Community Clinic or on employees to disclose wages;
2. permit employees, without the written consent of NACC, to disclose proprietary information, trade secret information or information that is otherwise subject to legal privilege or protected by law;
3. diminish any existing rights under the National Labor Relations Act;
4. permit employees to disclose wage information of other employees to a competitor of Native American Community Clinic.

An employer may not retaliate against the employee for asserting rights or remedies set forth in this policy.

Employees may bring a civil action against NACC for a violation of this policy. If a court finds that NACC has violated this policy, the court may order reinstatement, back pay, restoration of lost service credits, if appropriate, and the expungement of any related adverse records of the employee who was the subject of the violation.

## **2-11. Direct Deposit**

Native American Community Clinic requires that employees use direct deposit. Direct deposit can be set up in the ADP portal. If you do not have a bank account or a prepaid card, you can request a payroll debit card from the Finance Director.

Your first paycheck will be in the form of a live paper check. Any changes made to direct deposit will be for the next payroll cycle.

## **2-12. Salary Advances**

Requests for salary payments in advance of any normal pay period may be granted on an emergency basis for hours that have been worked or equivalent in your PTO balance. "Emergency" is defined for this purpose as an unforeseen event involving medical and life or safety situations beyond an employee's control. Salary advances will be granted no more than twice in any calendar year, with no exceptions.

### **PROCEDURE**

1. Employee will inquire about their eligibility status with Finance department.
2. If eligible for a salary advance, an employee should request salary advance form from HR. HR will then submit the document to the CFO for approval.
3. The CFO will forward the form to the CEO for final approval.
4. If approved, the CEO will forward the form to the Finance Director. The employee will be notified when the check is available, usually within one to two days of the request.
5. The full amount of the advance will be deducted from the employee's next paycheck. There will be no installment payment plan as an option.
6. If salary advances become a financial burden on NACC, the CEO and CFO, may be discontinue the program at any time.

## **2-13. Performance Review**

Depending on the employee's position and classification, Native American Community Clinic endeavors to review performance both after the first 90 days of employment and annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, NACC encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

## **2-14. Record Retention**

Native American Community Clinic acknowledges its responsibility to preserve information relating to litigation, audits, and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against NACC and its employees and possible disciplinary action against responsible individuals (up to and including discharge of the employee). Each employee has an obligation to contact the Executive Officer to inform them of potential or actual litigation, external audit, investigation, or similar proceeding involving NACC that may have an impact on record retention protocols.

## 2-15. Job Postings

Native American Community Clinic is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. To be eligible to apply for an open position at NACC, employees must meet the following requirements:

- be a current, regular, full-time or part-time employee;
- have been in current position for at least three (3) months;
- maintain a performance rating of satisfactory or above;
- not be on conduct/performance-related probation or warning;
- meet the job qualifications listed on the job posting;
- provide their current manager with notice prior to applying for the position.

If NACC employees find a position of interest and they meet the eligibility requirements, an on-line job posting application must be completed in order to be considered for the position. While NACC typically reviews the suitability and qualifications of internal candidates before exploring external options, we do reserve the right to seek applicants solely from outside sources or to post positions internally and externally simultaneously. NACC will consider internal managers' assessment of internal candidates' skills and abilities when making hiring decisions.

For more specific information about the program, please contact the Human Resources Department.

## 2-16. Employee Discipline Procedure

Disciplinary action of NACC employees for violations of rules of conduct, work performance, organizational policies or ethical standards may result in a written warning, a suspension, a demotion, or a discharge. Employees should remember that they are employees "at will" and may be discharged at any time for any reason, in accordance with federal, state and local law.

The following items are declared to be grounds for disciplinary action (although charges may be based upon causes or grounds other than those specifically described here). They are:

- incompetence in the performance of duty and responsibility; neglect of duty;
- insubordination or willful disobedience of legitimate and appropriate order of manager; dishonesty;
- purposeful violation of any NACC policy;
- demonstration of unprofessional and offensive conduct or language toward the public or fellow staff members;
- absence from work without proper leave.

Disciplinary procedures may or may not include one or more of the following actions:



1. VERBAL WARNING with documentation should be signed and dated.
2. WRITTEN WARNING: The manager should outline the reasons for the written warning, suggest corrective measures to be taken and outline the timeframe for corrective action and re-evaluation. The manager and employee should sign and date the form.
3. PROBATION: The department head and/or manager may deem it necessary to place the employee on a probationary period. The duration of this period is up to the discretion of the department head and/or manager. The issues for discipline are reviewed in more detail during this time. At the end of the probationary period, the manager and/or department head, may decide to lengthen the duration of the probationary period, or decide to discharge or suspend the employee. If the employee's conduct during the period is satisfactory, the Manager may decide to take no further action.
4. SUSPENSION: When the nature of a violation warrants immediate action, or there has been inadequate improvement as part of the discipline process, the Chief Executive Officer, department head and/or manager may suspend an employee with or without pay. The following procedures must be followed: discussion surrounding reasoning of suspension, outline the timeframe for suspension, and re-evaluation. The manager and employee should sign and date the form.
5. DISCHARGE: If a discharge from employment is necessary; the employee shall be notified of the involuntary discharge in person and/ or in writing. If the employee does not meet in person, phone call attempts to reach employee and the sending of a "certified letter" will be made. Documentation of the discharge will be placed in the employee's personnel file.
6. All disciplinary documentation will be placed in the employee file.

## **2-17. Clinic Operational Policies**

This document does not include NACC operating policies and procedures. These materials can be found in the NACC Team Information + Resources files in Teams. Please contact the Operations Officer if you have questions or would like to suggest an edit to an existing policy or additional policy added.

## Section 3 - On the Job At NACC

### 3-1. Attendance

Regular attendance is essential, and all employees are expected to report to work when scheduled, fully ready and able to perform their assigned duties. Proper notice and approval are expected whenever an employee is tardy or absent.

The tardy and attendance policy will be applied to all employees and enforced consistently throughout the organization. Absenteeism is defined as not reporting to work for your scheduled shift. Employees are expected to inform their manager daily during any tardiness or absence unless they are on a leave of absence. It is the responsibility of the employee to get a confirmed response from their manager. If the manager does not confirm, the employee must try another manager. If an employee is absent three or more consecutive days due to personal illness, they must present a doctor's statement before returning to duty.

#### **Tardiness & Absenteeism**

Employees are expected to arrive at work on time and be at their assigned workstation at the beginning of their scheduled shift.

On those rare occasions when unavoidable conditions indicate that an employee will be late for a scheduled shift, the employee should notify their manager. This will allow the manager to plan the necessary coverage to ensure that no critical tasks are left undone.

If the employee is in a time-sensitive job, they should check with their manager when arriving at work to ensure that critical tasks have been performed.

Frequent tardiness will not be tolerated by the organization. Employees who establish a pattern of arriving at work late will be subject to discipline up to and including termination.

An employee is normally expected to notify the Manager at least 2 hours before the shift begins if the employee cannot come to work. If the employee does not give proper notice, they will be given a verbal warning and a record of the incident will be placed in the personnel file. The employee will be allowed to use PTO (if available for the absence).

If a pattern of absences has been established, it is the responsibility of the manager to counsel the employee and advise them that this behavior is unacceptable. Continued unexcused, unplanned absences can result in further corrective action, including up to termination.

#### **No-Call-No Show**

Any employee who is absent from work and fails to notify the Manager will be treated as a "no call-no show". Three consecutive days of "no call-no show" is just cause for job abandonment. Any no-call-no-show is potentially cause for disciplinary action up to and including termination.

## 3-2. Meal and Break Periods

### Meal Periods

Managers are responsible for balancing workloads and scheduling meal breaks. Employees who work 6 or more hours are allowed a thirty-minute **unpaid** meal break during the workday, to be scheduled by your manager. Employees may not extend meal breaks beyond the assigned period. All employees should take no less than 20 minutes and no more than a 30-minute lunch break, as required by law. Being tardy from a meal period may result in disciplinary action.

Food may be eaten during the allocated breaks and lunch hour. Snacks should be kept in airtight containers and not left open. Beverages (coffee, tea, pop, water) may be consumed at the desk but they must be in spill-proof containers. Requesting to take a meal period 35 minutes or more requires authorization from manager. Submit request 1 week in advance so coverage issues can be addressed.

### Rest Breaks

It is NACC policy to provide rest breaks during each workday. Employees working a full 8-hour day are formally scheduled for 8.5 hours each day to provide for their 30-minute lunch break. Those scheduled for a full 8-hour workday are entitled to a fifteen-minute break in the morning and afternoon, and these are to be scheduled with the manager. Employees scheduled for less than an 8-hour day are entitled to one 15 minute break. All breaks need to be scheduled with the manager as work-flow permits.

- If there is a busy patient load and/or the provider is likely to need assistance, the employee working with the provider may have to postpone their break until the patient care is completed. There should always be at least two MAs on the floor. MAs, RNs, Records staff, etc. must not take breaks together- the area must always have someone who can help with care issues.
- Breaks are not to be taken at the beginning or the end of a shift as justification for coming late or leaving early.
- Breaks must be taken on site.
- Time spent on rest breaks will be compensated as work time and employees are not required to punch in and out on their timecards. However, employees are expected to return to their workstations promptly at the end of each break and may be subject to disciplinary action for tardiness.
- Employees on rest breaks are not permitted to interfere with fellow employees who are continuing to work.
- Requesting to take a break longer than 15 minutes requires pre-approval by your manager.

**\*\*Note:** As we are all trying to create an atmosphere of excellent patient care, efficiency, and quality, while you are on break, it may be necessary to ask for your assistance with a patient issue if no one else is available. Your assistance at these unique times will be appreciated and you will have a chance to complete your break as soon as your assistance is no longer needed.

### **3-3. Drug-Free and Alcohol-Free Workplace**

To help ensure a safe, healthy, and productive work environment for our employees and others, to protect NACC property, and to ensure efficient operations, Native American Community Clinic has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for NACC.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on NACC premises, while on NACC business (whether or not on NACC premises) or while representing NACC, is strictly prohibited. Employees and other individuals who work for NACC also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law. This restriction does not apply to responsible drinking of alcohol at business meetings and related social outings.

Violation of this policy will result in disciplinary action, up to and including discharge.

NACC maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs or jeopardizes the health and safety of any NACC employee, including themselves.

### **3-4. Tobacco-Free Workplace**

NACC is committed to promoting a healthy, comfortable, and productive working environment for its employees, patients, and visitors. It is the policy of NACC that use of tobacco products, including the use of e-cigarettes, by staff, patients, visitors, or contractors will be prohibited on its property. NACC property shall include, but not be limited to, buildings, grounds, and vehicles owned, leased, or contracted by NACC. Employees who abuse or misuse this policy will be disciplined, up to and including termination.

**\*Tobacco may be used for traditional/ceremonial purposes if pre-approved by the Executive Officer.**

### 3-5. Personal Visits and Telephone Calls

All cell phones should be placed on vibrate and only used during break times except for emergencies. Calls must not interfere with patient care or regular job duties. It is not acceptable to walk around NACC conducting a personal call on a cell phone. Unless it is an emergency, all personal phone calls should be done away from the work site and only during an employee's break time. If an emergency call requires several minutes, the employee should notify their manager and receive permission to punch out and go to a private area to continue the call. All the above guidelines apply to texting, website, and social media use on one's personal phone as well. Failure to adhere to this policy may result in further disciplinary action. See section 6.1 for use of communication systems.

Providers and management may need to use cell phones during working hours for the purposes of completing their job in a timely manner.

\*Note: If you need to have access to your phone for an emergency situation, it is always best to let your manager know of your need.

### 3-6. Employee Dress and Personal Appearance

NACC expects all employees, contractors, interns, etc. to dress appropriately in professional, clean, attire appropriate for their nature of work. Employees are expected to demonstrate good judgment and professional attire that does not inhibit their ability to provide quality care to patients/clients. This includes refraining from wearing anything that patients or other employees might find offensive or that might make patients or coworkers uncomfortable.

**All NACC employees that provide direct patient care are expected to wear their ID badges with their name visible.** Please note that NACC will provide standard name tags to employees at hire; if badge is lost or broken, it will be replaced at the employee's expense. If NACC changes the name tag design, new nametags will be reissued at no cost to employees.

**Scented Products:** Employees must limit perfume, scented lotions, and colognes as they may be triggers for allergies.

**Shoes:** should be comfortable, neat, and practical. Shoes must provide safe, secure footing, and offer protection against hazards. Shoes that are not acceptable are: flip flops, **open-toed shoes are not allowed for direct patient care staff, heels at or higher than 4 inches are also prohibited.**

**Lab Coats/Uniforms:** Providers and lab staff are required to wear lab coats when seeing patients.

HR will work with managers to address employees wearing clothing inappropriate for their role.

### 3-7. Employees' Children at Work

NACC has been and wants to continue to be flexible in accommodating parents and their children with various daycare and other emergencies. It is very important that work is not disrupted by children. Please follow the requirements for having kids at work:

- Before bringing a child, employees **MUST** clear it with their manager.
- The time should be limited (i.e. waiting for a ride from someone, etc.) Employees are expected to punch out while making these arrangements and getting children settled.
- The child should old enough to sit alone (typically over 8 years), **and not sick**. If they are in the break room, they should be careful not to disrupt employees in any way.
- Employees should work with their manager to ensure patient privacy and minimal disruptions to clinic operations.
- Ill children should be separated from staff and patients. Please discuss with your manager an appropriate place for your child.
- Children may not be at work more than 2 times per month.
- If a child cannot be left alone and arrangements cannot be made to have the child picked up and cared for by someone else, the employee may be asked to take the day off.
- **Employees must sign a waiver for releasing liability for the organization. Signed waivers should be given to HR.** NACC Team Information + Resources>General>Files>Child Liability Waiver

### 3-8. Minnesota: Pregnancy Accommodations

Under Minnesota law, Native American Community Clinic will endeavor to provide employees a reasonable accommodation for health conditions related to pregnancy or childbirth, unless doing so would impose an undue hardship on the business operation of NACC.

The employee and NACC will engage in an interactive process to determine what accommodations may be needed.

The pregnant employee will not be required to obtain the advice of a licensed health care provider or certified doula, nor will NACC claim an undue hardship for the following accommodations:

- more frequent restroom breaks;
- more frequent food and water breaks; seating; and
- limits on lifting over 20 pounds.

NACC may request medical certification from the employee's licensed health care provider or certified doula for other reasonable accommodations, including temporary transfer to a less strenuous or hazardous position.

NACC is not required to create a new or additional position to accommodate the employee, nor is NACC required to discharge any employee, transfer any other employee with greater seniority or promote any employee.

NACC will not retaliate against the employee for requesting or obtaining a pregnancy accommodation under the law. Furthermore, NACC will not require the employee to take a leave or accept an accommodation.

Any employee who has questions about this policy or who needs to request a reasonable accommodation should contact HR Director.

### **3-9. Minnesota: Lactation Breaks**

Native American Community Clinic will provide a reasonable amount of paid break time to accommodate employees desiring to express breast milk for their infant child during the twelve months following the birth of the child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided.

To provide privacy, NACC will make reasonable efforts to provide employees with the use of a room or location in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from view and free from intrusion by coworkers and the public and that includes access to an electrical outlet. This location may be the employee's private office, if applicable.

NACC may not be able to provide additional break time if doing so would seriously disrupt the NACC's operations. Employees should consult Human Resources if they have questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### **3-10. Pets at Work**

NACC is supportive of certified service and emotional support animals if they are appropriately credentialed and trained. These situations should be cleared in advance with your supervisor as well as HR. Documentation shall include a current credential from the corresponding certification provider and/or training documentation. Any medical necessity documentation that may exist specifying an Americans with Disabilities Act need. These shall be kept in the HR file. Appropriate vaccinations and liability coverage shall be maintained at all times and documentation shared with HR by the employee (providing this documentation is the responsibility of the employee and must be done before the pets are brought to work) . No personally owned pets may be brought on NACC premises other than those animals outlined above. Management reserves the right to limit, suspend or alter this allowance due to co-worker/patient allergies, aggression incidents, or other workplace safety situations should they arise.

## Section 4 - Benefits

### 4-1. Benefits Overview

In addition to great working conditions and competitive pay, it is NACC's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet your present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

While NACC intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If you have any questions regarding your benefits, please contact the Finance department.

### 4-2. Paid Holidays

Full-time, Part-time employees will be paid for the following 11 holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Memorial Day
- Independence Day
- Juneteenth
- Labor Day
- Indigenous People's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

When holidays fall or are celebrated on a regular workday, eligible employees will receive one day's pay at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive one day's pay at their regular straight-time rate, and an additional payment of straight-time for the actual time they work that day. Unexcused or unscheduled absences directly before or after a paid holiday will result in forfeiture of paid holiday time.

If a holiday falls within an eligible employee's approved vacation period, the eligible employee will be paid for the holiday (at the regular straight-time rate) instead of the vacation day.

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight-time rate) instead of the leave day.



If the holiday falls on a day that is not your regularly scheduled day, the employee will not be paid for the holiday.

### **4-3. Insurance Programs**

Full-time (30+ hours per week) employees may participate in NACC's insurance programs. Under these plans, eligible employees will receive comprehensive health and dental insurance coverage for themselves and their families, as well as other benefits.

Upon enrolling, you will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to speak to Human Resources if you have any further questions.

**Insurance will begin on the first of the month following 30 days of employment.**

### **4-4. Employee Assistance Program**

NACC provides an employee assistance program for employees. This program is provided through your health benefits. This program offers qualified counselors to help you cope with personal problems you may be facing. Further details can be obtained in your benefits materials or by talking with your supervisor or Human Resources.

### **4-5. Supplemental Benefits**

NACC provides the opportunity for employees to elect supplemental life and AD&D coverage for yourself, your spouse, and your dependents through an outside NACC at the employee expense. If you are interested in learning more about the supplemental offering, please speak to the Accounting Manager.

### **4-6. 401K Retirement Plan**

Eligible employees can participate in Native American Community Clinic's retirement plan. Plan participants may make pre-tax contributions to a retirement account. NACC will provide a 100% match of an employee's contribution up to 3% and a 50% match of an employee's contribution from 3.1%-5%.

Upon becoming eligible to participate in this plan, employees will receive an SPD describing the plan in greater detail. Please refer to the SPD for detailed plan information. Of course, feel free to speak to Human Resources if there are any further questions.

### **4-7. Paid Time Off**

We know how hard employees work and recognize the importance of providing time for rest and relaxation. We fully encourage employees to get this rest by taking paid time off. Time off under this policy includes

extended time off, such as for a vacation, and incidental time due to sickness or to handle personal affairs.

\*NOTE: the calculations below are based on a fulltime 40/hour per week schedule.

**Non-exempt, Full and Part-time employees accrue paid time off as follows:**

Years of Service	Number of Days Per Year	Accrual Rate per hours worked per pay period
1-3 years	18	0.0692
4-7 years	21	0.0807
8-11 years	24	0.0923
12 plus years	27	0.1038

**Exempt Employees and Providers accrue paid time off as follows:**

Years of Service	Number of Days Per Year	Accrual Rate per hours worked per pay period
1-3 years	21	0.0807
4-7 years	24	0.0923
8-11 years	27	0.1038
12 plus years	30	0.1154

Paid time off is accrued on a pro-rated basis throughout the year and begins accruing on the first day of employment.

The maximum paid time off entitlement for part-time employees is pro-rated based on hours worked.

Paid time off should be taken during the year received, unless otherwise required by law. Accrued, unused paid time off up to 120 hours can be carried over to the following calendar year. Exceptions to the 120- hour maximum carryover may be made in special circumstances. Special carryover requests of up to 200 hours must be related to upcoming family or medical leave and must be made in writing by November 30th and will so they can be considered by the board before end of year.

Employees must begin using PTO in excess of 120 hours in the first quarter of the following year.

If you wish to use 3 or more full days of paid time off consecutively, you must submit a request to your manager at least one-month in advance of your requested time off. Similar notice should be provided for planned time off of shorter duration. Every effort will be made to grant your request, consistent with our operating schedule.

Requesting time off in the ADP portal is primarily a financial and payroll management tool. Due to its size and because NACC is a service provider, everyone plays a critical role. **It is important to request time off well in advance.**

Providers are required to give , 30 days in advance notice at minimum; preferably 60 days.

All supervisor and managers must provide a coverage plan to their manager for planned time off prior to requesting the time in the ADP system. Once the coverage plan has been approved by your manager, input the time off in the ADP system.

Coverage Plan must include:

- The length of time gone from NACC;
- A plan for the essential duties covered while away;
- Verification by the employee's direct supervisor that coverage in NACC operations is not at significant risk of being compromised.

We encourage employees to manage their PTO time throughout the whole year. It is recommended that employees keep 16 hours of PTO unused at all times in case of unpredicted time off that may occur later in the year.

#### **Increments:**

Paid time off must be used in ½ day increments for exempt employees. Up to 40 days of accrued, unused paid time off is paid out upon separation, unless otherwise required by law.

Advanced but unaccrued paid time off will be deducted from your final paycheck to the extent permitted by law.

## **4-8. Parental Leave**

Native American Community Clinic will provide up to 12 weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after 1/1/2023.

- **Primary caregiver:** if you are the full-time primary care parent during the period of the leave, you will be eligible for up to 12 weeks of parental leave at 60% of base pay
- **Secondary caregiver:** if you are the non--primary care parent, you will be eligible for up to 2 weeks of parental leave at 60% of base pay

The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the 12-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than 12-weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame:

- Each week of paid parental leave is compensated at 60 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the four-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this six-month time frame.
- While on paid parental leave employees will continue to receive all employee benefits and healthcare coverage previously provided on the same terms as an active employee.
- Employees must take paid parental leave for one continuous period of leave and must use all paid parental leave during the four-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the four-month time frame.

- Upon termination of the individual’s employment at the company, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

For more information about this policy, see Human Resources.

#### 4-8. Continuing Education & Licensure Assistance Programs

It is NACC’s position that staff are a highly valued resource and as such it is our policy to offer financial resources and paid time off to promote ongoing education and training of our staff and to cover all expenses related to maintaining licensure. NACC offers continuing education unit (CEU), paid CEU days, and licensure fees, and tuition reimbursement.

**Continuing Education Unit (CEU) Funds, Paid CEU days, and licensure fees:** NACC covers costs related to maintaining licensure including, continuing education requirements and fees for license renewal. These funds are allocated based on role and license status as described in the chart below:

Employee Category	Licensure/Certification Reimbursements	Total CEU Dollars	Paid-Time Hours (based on 1.0 FTE)
Independently Licensed Providers	100%	\$1,000	40 hours
Officers/Directors	100%	\$500	24 hours
Managers	N/A	\$250	16 hours
Other Professional	100%	\$200	16 hours
Nurses (RN & LPN)	100%	\$200	16 hours
LDA	100%	\$200	16 hours
CMA/MA/LAB	100%	\$150	16 hours
Advocates	N/A	\$150	16 hours
Admin and Support Staff	N/A	\$150	16 hours

**Tuition reimbursement:** All employees are eligible for up to \$1,000 of tuition reimbursement annually to cover costs associated with accredited AA, Bachelors, Master’s, or Doctorate level programs that are NACC mission related. The track, major, program, professional certification, etc. must be aligned with NACC’s mission and advancing skills and knowledge in the workplace to be eligible for reimbursement. Please note that NACC reserves the right to take back Tuition Reimbursement if an employee leaves the organization within 6 months of disbursement of Tuition Reimbursement funds.

Following **90 days of employment**, funds are available on a reimbursement status to all employees for both Education Assistance and licensure programs. Employees should submit the appropriate form ([NACC Team Information + Resources>Employee Forms>Finance forms>Training and CEU requests OR Tuition Reimbursement Request Form](#)) to their direct supervisor. It is encouraged to submit this form before paying out of pocket as NACC can’t guarantee reimbursement until the request is approved.

Unused continuing education funds are not carried over at the end of the calendar year. For more details see the Education and Licensure Assistance Programs Policy (NACC Team Information + Resources >NACC Policies)

#### **4-9. Workers' Compensation**

On-the-job injuries are covered by Native American Community Clinic's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow NACC procedures may affect the ability of employees to receive Workers Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

#### **4-10. Receiving Health Care at NACC**

Employees may choose to receive dental care at NACC. To remain consistent with policies and procedures of confidentiality, maintain equal access to all patients and provide a consistent workflow of services, it is important that employee dental patients that receive care follow these general guidelines below:

1. Do not approach dental providers about illnesses or prescriptions outside of a scheduled appointment (i.e., no curbside consults). Requests need to be streamlined through the dental manager.
2. Time off for all dental care appointments will be treated the same as any other time off request and needs to be approved by the manager. Exceptions to advance requests will be made in extenuating circumstances.
3. Request an appointment at the dental front desk (earlier is better), giving them a note stating your concerns. These requests should be handled as they would for any patient.
4. Registration- Fill out the appropriate registration papers as requested.
5. Continue working until notified of appointment.
6. Hourly employees should punch out while being seen by the provider in the exam room, and then punch back in when they are ready to go back to work. Breaks cannot be used for this purpose.
7. Insurance will be billed for all care received at NACC, and insurance co-pays will be collected. If an employee does not have insurance, they will be placed on the sliding fee schedule after providing income verification.
8. Employees must make supervisor aware immediately if family members or relatives are receiving healthcare at NACC.

These following services are approved for employees to receive at NACC:

- Dental NACC- All care
- Medical- No care for employees
- Outpatient Behavioral Health- No care for employees or close associates of NACC leadership
- Chemical Health- No care for employees or close associates of NACC leadership

#### **4-11. Minnesota: Minneapolis Sick and Safe Time (SST)**

Native American Community Clinic's Paid time off policy is compliant with the City of Minneapolis SST ordinance;

- Employees accrue more than (1) hour for every 30 hours
- Employees begin accruing PTO upon hire
- Employees may use their PTO as it is accrued
- No medical or other documentation will be required from the employee unless more than three consecutive absences occur, or clear evidence of illegitimate use exists.
- Employees who use sick or safe time leave for more than 3 consecutive absences may be required to provide reasonable certification of the need for leave including, for example, evidence of service or medical treatment provided by a professional.
- Paid sick leave hours will be compensated at the employee's hourly rate of pay (with benefits) Paid sick leave hours will not count as hours worked for the purposes of any overtime calculation

Employees with questions regarding this policy can contact Human Resources.

#### **4-12. Long-Term Disability Benefits**

Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between Native American Community Clinic and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

#### **4-13. Salary Continuation**

Native American Community Clinic provides enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for mor information. Employees will be required to submit medical certification as requested by NACC. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

#### **4-15. Employee Referral Awards**

Native American Community Clinic encourages all employees to refer qualified job applicants for available job openings. Other than managers in the line of authority and all Human Resources personnel, all employees are eligible to receive employee referral awards. When making referrals, instruct the applicant to list the

employee's name on their employment application as the referral source. If the referral is hired and completes 3 months of service and the employee is still the employee of the NACC, the employee is eligible to receive a monetary award. The reward is currently a gross amount of \$250 for regular part-time hires and \$250 for regular full-time hires.

## Section 5 - Leaves of Absence

### 5-1. Leave Without Pay

NACC offers Paid Time Off benefits to all employees. Our PTO policy is rooted in our philosophy that work-life balance is an important aspect of a healthy work environment. We encourage team members to use their paid time out of the office to improve quality of life, manage stress, and prevent burnout.

Our staffing model is based on employees taking their allotted PTO annually. Unpaid time taken in addition to allotted PTO must be formally requested and approved in advance by both the person's immediate supervisor in consultation with HR.

There are situations where illness or family emergency forces team members to be out of work beyond their accumulated PTO. In these cases, employees will work directly with HR to obtain formal approval for their LWOP-this may include use of FMLA/ state leave allowances, or other paid leave allowances. These may require submittal of a medical certification or other required documentation to consider.

Formal LWOP requests will be reviewed on a case-by-case basis. Decisions will be based on the organizational and staff capacity to manage the absence.

You must submit the LWOP form to Human Resources including:

- Reason for leave
- Date expected for beginning leave
- Duration of leave
- Expected date to return to work

In the absence of a formal approved LWOP event the following progressive discipline policy will be used: if the situation is a block time period of unapproved LWOP, management may begin at a Written Warning.

LWOP taken in a calendar year	Action
Up to 8 hours	Coaching
9 to 16 hours	Verbal warning
17-24 hours	Written warning
>24 hours	PIP, possible termination

### 5-2. Minnesota: Bone Marrow Donation Leave

Employees who work 20 or more hours per week are entitled to up to 40 hours of paid leave for the purposes of donating bone marrow. Verification of donation and the length of necessary leave may be required by the NACC. Reasonable notice of leave must be provided.

### 5-3. Minnesota: Organ Donation Leave

Employees who work 20 or more hours per week are entitled to up to 40 hours of paid leave for the



purposes of donating an organ or partial organ to another person. Verification of donation and the length of leave needed may be required by the NACC. Reasonable notice of leave must be provided.

## 5-4. Minnesota: Family and Medical Leave

Employees may be entitled to a leave of absence under the Family and Medical Leave Act ("FMLA") and/or the Minnesota Pregnancy & Parental Leave Act ("MPPLA"). This policy provides employees with information concerning FMLA and/or MPPLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA and/or MPPLA leave, they should contact HR Director.

### I. Eligibility

FMLA leave is available to "FMLA eligible employees." To be an "FMLA eligible employee," an employee must: 1) have been employed by the NACC for at least 12 months (which need not be consecutive); 2) have been employed by the NACC for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Special hours of service eligibility requirements apply to airline flight crew employees.

MPPLA is available to "MPPLA eligible employees." To be an "MPPLA eligible employee," an employee must: 1) have been employed by the NACC for at least 12 months preceding the request for leave; 2) have worked at least half the full-time equivalent position for his/her job during the 12-month period immediately preceding the request for leave; and 3) have worked for an employer that has 21 or more employees at any single location.

### II. Entitlements

The FMLA and MPPLA provide eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

#### A. Basic FMLA and MPPLA Leave Entitlement:

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on the calendar year. The MPPLA provides eligible employees up to 12 workweeks of unpaid leave for: (i) the birth or placement for adoption of a child; or (ii), if a female employee, for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions.

MPPLA leave for the birth or adoption of a child may begin not more than 12 months after the birth or adoption, except that where the child must remain in the hospital longer than the mother, the leave may not begin more than 12 months after the child leaves the hospital. It is the NACC's policy to provide the greater leave benefit provided under the FMLA or MPPLA and to run leave concurrently under the FMLA and MPPLA whenever possible. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption (or foster care - FMLA only);
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition** (FMLA only);
- For the employee's own serious health condition (including any period of incapacity due

to pregnancy, prenatal medical care, childbirth, or related health condition) that makes the employee unable to perform one or more of the essential functions of the employee's job (FMLA only except MPPLA, if a female employee, for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions) and/or

- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of contingency operations or Regular Armed Forces for deployment to a foreign country (FMLA only).

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

#### **B. Additional Military Family Leave Entitlement (Injured Servicemember Leave) (FMLA only)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember. A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

#### **C. Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks, or months. However, employees

are also entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member, or the serious injury or illness of a covered servicemember. Leave due to qualifying exigencies may also be taken on an intermittent or reduced schedule basis.

#### **D. No Work While on Leave**

The taking of another job while on FMLA/MPPLA leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by applicable law.

#### **E. Protection of Group Health Insurance Benefits**

During FMLA/MPPLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work. However, if leave is solely pursuant to MPPLA, the employee may be required to pay the full health insurance premium during leave.

#### **F. Restoration of Employment and Benefits**

At the end of FMLA/MPPLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the NACC substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The NACC will notify employees if they qualify as "key employees," if it intends to deny reinstatement and of their rights in such instances. Use of FMLA/MPPLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA/MPPLA leave.

#### **G. Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from the NACC telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the NACC's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The NACC may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the NACC's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the NACC and employee can mutually agree that leave be retroactively designated as FMLA leave.

### **III. Employee FMLA/MPPLA Leave Obligations**

#### **A. Provide Notice of the Need for Leave**

Employees who wish to take FMLA/MPPLA leave must timely notify the NACC of their need for FMLA/MPPLA leave. The following describes the content and timing of such employee notices.

##### **1. Content of Employee Notice.**

To trigger FMLA leave protections, employees must inform their manager of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or explaining the reasons for leave so as to allow the NACC to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job; they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the NACC's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the NACC has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

## **2. Timing of Employee Notice**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the NACC notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

Employees must provide at least two weeks' advance notice of the need to take MPPLA leave. Employees who fail to give at least two weeks' notice without a reasonable excuse for the delay, or otherwise fail to satisfy MPPLA notice obligations, may have MPPLA leave delayed or denied, to the extent permitted by applicable law.

## **B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with the NACC and make a reasonable effort to schedule treatment so as not to unduly disrupt the NACC's operations, subject to the approval of an employee's health care provider. Employees must consult with the NACC prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the NACC and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the NACC may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the NACC may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the NACC of the reasons why such leave is medically necessary. In such instances, the NACC and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the NACC's operations, subject to the approval of the employee's health care provider.

### **C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of the FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the NACC with timely, complete and sufficient medical certifications. Whenever the NACC requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the NACC's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The NACC will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The NACC will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the NACC (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the NACC with authorization allowing it to clarify or authenticate certifications with health care providers, the NACC may deny FMLA leave if certifications are unclear.

Whenever the NACC deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

#### **1. Initial Medical Certifications**

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the NACC has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the NACC's expense. If the opinions of the initial and second health care providers differ, the NACC may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the NACC and the employee.

#### **2. Medical Recertifications**

Depending on the circumstances and duration of FMLA leave, the NACC may require employees to provide recertification of medical conditions giving rise to the need for leave. The NACC will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

### **3. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the NACC medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The NACC may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

#### **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the NACC may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the NACC may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the NACC may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

#### **E. Substitute Paid Leave for Unpaid FMLA and MPPLA Leave**

Employees must use any accrued paid time while taking unpaid FMLA and/or MPPLA leave.

The substitution of paid time for unpaid FMLA and/or MPPLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA/MPPLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

Upon written request, the NACC will allow employees to use accrued paid time to supplement any paid disability benefits.

#### **F. Pay Employee's Share of Health Insurance Premiums**

During FMLA/MPPLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. However, if leave is solely pursuant to MPPLA, the employee may be required to pay the full health insurance premium during leave. Unless the NACC notifies employees of other arrangements, whenever employees are receiving pay from the NACC during FMLA/MPPLA leave, the NACC will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA/MPPLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the NACC upon leave.

The NACC's obligation to maintain health care coverage ceases if the employee's premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the NACC will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the NACC for the cost of the premiums the NACC paid for maintaining coverage during their unpaid FMLA leave.

#### **IV. Exemption for Highly Compensated Employees**

The NACC may choose not to return highly compensated employees (highest paid 10% of employees at a worksite or within 75 miles of that worksite) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the NACC. (This fact-specific determination will be made by the NACC on a case-by-case basis.) The NACC will notify employees if they qualify as a "highly compensated", if the NACC intends to deny reinstatement, and of the employee's rights in such instances.

#### **IV. Coordination of FMLA/MPPLA Leave with Other Leave Policies**

The FMLA and MPPLA do not affect any federal, state, or local law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights. However, whenever permissible by law, FMLA leave will run concurrently with MPPLA and any other leave provided under state or local law. For additional information concerning leave entitlements and obligations that might arise when FMLA/MPPLA leave is either not available or exhausted, please consult the NACC's other leave policies in this handbook or contact HR Director.

#### **V. Questions and/or Complaints about FMLA/MPPLA Leave**

If employees have questions regarding this FMLA/MPPLA policy, they should contact HR Director. The NACC is committed to complying with the FMLA/MPPLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA/MPPLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact HR Director immediately. The NACC will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the U.S. Department of Labor or may bring private lawsuits alleging FMLA violations.

### **5-5. Personal Leave**

If employees are ineligible for any other NACC leave of absence, Native American Community Clinic, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of the leave. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence will be granted for a period of

up to four (4) weeks. However, a personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to management and the request is granted. During the leave, employees will not earn vacation, personal days or sick days. We will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the NACC in a timely manner, subject to the terms of the plan documents.

When the employee anticipates returning to work, he or she should notify management of the expected return date. This notification should be made at least one week before the end of the leave.

Upon completion of the personal leave of absence, the NACC will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the NACC will be considered a voluntary resignation of employment.

Personal leave runs concurrently with any NACC-provided Short-Term Disability Leave of Absence.

## **5-6. Minnesota Family and Medical Leave**

In addition to the leave available under NACC's Family and Medical Leave Act ("FMLA") policy, employees in the state of Minnesota also are eligible for parenting leave under the Minnesota Parental Leave Act ("MPLA"). In order to be eligible for leave under the MPLA, an employee must have worked for NACC for at least 12 consecutive months immediately preceding the request for leave and worked at least half the full-time equivalent position for their job.

Eligible employees may take up to 12 weeks of unpaid leave for the birth or placement for adoption of a child and generally are entitled to be restored to the same or equivalent position upon return from leave. Under Minnesota law, leave for the birth or adoption of a child may begin not more than six weeks after the birth or adoption, except that where the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital. Where both the federal and MPLA laws apply, any leave taken will be counted under both laws at the same time. In addition, MPLA substantively leave differs from federal FMLA leave as follows:

- Eligible employees must provide at least four weeks' notice of leave if at all possible.
- If leave is solely pursuant to MPLA, the employee may be required to pay the full health insurance premium during leave.
- Eligible employees may utilize any accrued paid time off benefits during leave.

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the HR Manager.

### **I. Eligibility**

FMLA leave is available to "eligible employees." To be an "eligible employee," an employee must: 1) have been employed by NACC for at least 12 months (which need not be consecutive); 2) have been employed by



NACC for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

## II. Entitlements

FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration. The FMLA also entitles employees to certain written notices concerning their potential eligibility for and designation of FMLA leave.

### A. Basic FMLA Leave Entitlement

FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a 12-month period measured forward from the date the employee first takes a covered leave.

Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent (but not in-law) who has a serious health condition;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on covered active duty or called to covered active-duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces in support of contingency operations or Regular Armed Forces for deployment to a foreign country. This leave also is available for family members of active-duty service members.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

## **B. Additional Military Family Leave Entitlement (Injured Servicemember Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered service members** is entitled to take up 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

## **C. Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees are also entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member, or the serious injury or illness of a covered servicemember.

## **D. No Work While on Leave**

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

## **E. Protection of Group Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage (if applicable) on the same terms and conditions as if they had continued to work.

## **F. Restoration of Employment and Benefits**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause NACC substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. NACC will notify employees if they qualify as "key employees," if it intends to deny reinstatement and of their rights in such instances. Use of FMLA leave will not

result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

#### **G. Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from NACC telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) NACC's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

NACC may retroactively designate leave as FMLA leave with appropriate written notice to employees provided NACC's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, NACC and employee can mutually agree that leave be retroactively designated as FMLA leave.

### **III. Employee FMLA Leave Obligations**

#### **A. Provide Notice of the Need for Leave**

Employees who take FMLA leave must timely notify NACC of their need for FMLA leave. The following describes the content and timing of such employee notices.

##### **1. Content of Employee Notice**

To trigger FMLA leave protections, employees must inform the HR Manager of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or explaining the reasons for leave to allow NACC to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job; they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency cause by a covered military member being on active duty or called to active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to NACC's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which NACC has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

## **2. Timing of Employee Notice**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide NACC notice of the need for leave as soon as practicable under the facts and circumstances of the particular case.

Employees, who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

### **B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with NACC and make a reasonable effort to schedule treatment so as not to unduly disrupt NACC's operations, subject to the approval of an employee's health care provider. Employees must consult with NACC prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both NACC and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, NACC may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, NACC may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise NACC of the reasons why such leave is medically necessary. In such instances, NACC and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting NACC's operations, subject to the approval of the employee's health care provider.

### **C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of the FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification**, and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide NACC with timely, complete and sufficient medical certifications. Whenever NACC requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after NACC's request, unless it is not

practicable to do so despite an employee's diligent, good faith efforts. NACC shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. NACC will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, NACC (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide NACC with authorization allowing it to clarify or authenticate certifications with health care providers, NACC may deny FMLA leave if certifications are unclear.

Whenever NACC deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

### **1. Initial Medical Certifications**

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If NACC has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at NACC's expense. If the opinions of the initial and second health care providers differ, NACC may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by NACC and the employee.

### **2. Medical Recertification**

Depending on the circumstances and duration of FMLA leave, NACC may require employees to provide recertification of medical conditions giving rise to the need for leave. NACC will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

### **3. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide NACC medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. NACC may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

### **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, NACC may require

employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active-duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, NACC may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, NACC may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

#### **E. Substitute Paid Leave for Unpaid FMLA Leave**

Employees must use any accrued paid time while taking unpaid FMLA leave (unless NACC specifically informs employees that this will not be required).

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

Upon written request, NACC will allow employees to use accrued paid time to supplement any paid disability benefits.

#### **F. Pay Employee's Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage (if applicable) under the same conditions as if they had continued to work. Unless NACC notifies employees of other arrangements, whenever employees are receiving pay from NACC during FMLA leave, NACC will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by NACC upon leave.

NACC's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, NACC will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse NACC for the cost of the premiums NACC paid for maintaining coverage during their unpaid FMLA leave.]

## **IV. Questions and/or Complaints about FMLA Leave**

If you have questions regarding this FMLA policy, please contact the HR Director. NACC is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the HR Manager immediately. NACC will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

### **I. Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult NACC's other leave policies in this Handbook or contact the HR Manager.

## **5-7. Jury Duty**

Native American Community Clinic realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Employees on jury duty leave will be paid for their jury duty service in accordance with state law; however, exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the NACC during such week.

## **5-8. Bereavement Leave**

We know the death of a family member is a time when you wish to be with the rest of your family. If you are a full-time or part-time employee and you lose a relative or loved one, you will be allowed PTO up to three days in a calendar year to assist in attending to your obligations and commitments. You must inform your manager prior to commencing bereavement leave. In administering this policy, NACC may require verification of death.

## **5-9. Minnesota: Voting Leave**

In the event employees do not have sufficient time outside of working hours to vote in a state general or primary election, vote in an election to fill a vacancy in the federal or state Senate or House of Representatives, vote in a presidential primary or serve as an election judge, employees may take off working time to vote or serve as an election judge. Time for voting should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. Employees will be allowed voting leave on Election Day without loss of pay or retaliation. Where possible, supervisors should be notified of the need for leave to vote at least two days in advance of Election Day.

Time for serving as an election judge is allowed on Election Day without loss of pay, except that pay may be reduced by any amount the employee is paid for serving as an election judge by the appointing authority during the time the employee was absent from the place of employment. Employees must give at least 20 days written notice to take time to serve as an election judge. The written notice must be accompanied by a certification from the appointing authority, stating the hourly compensation to be paid the employee for service as an election judge and the hours during which the employee will serve. The Company may restrict the number of individuals who may be absent from work for the purpose of serving as an election judge to no more than 20% of the total workforce at any single worksite.

## **5-10. Military Leave**

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). They should give management as much advance notice of their need for military leave as possible so that Native American Community Clinic can maintain proper coverage while employees are away.

## **5-11. Minnesota: Family Military Leave**

Any employee who is the grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé or fiancée of a member of the United States armed forces who has been ordered into active service in support of a war or other national emergency ("mobilized service member") is eligible for an unpaid leave of absence of up to one (1) day per calendar year in order to attend a send-off or homecoming ceremony for the mobilized service member. Employees are asked to give Native American Community Clinic as much notice of their intent to take this leave as is practicable under the circumstances.

Additionally, any employee who is the parent, child, grandparent, sibling or spouse of a member of the



United States armed forces who has been injured or killed while engaged in active service is eligible for an unpaid leave of absence for up to 10 days. The employee must give the NACC as much notice of intent to take this leave as is practicable. Any accrued paid time off which is used during this period will run concurrently with leave under this policy and will not extend the length of leave.

### **5-12. Minnesota: School Conference and Activities Leave**

Native American Community Clinic will provide employees with up to 16 hours of leave during any 12-month period to attend school conferences or school-related activities related to the employee's child (including conferences related to a pre-kindergarten program or child care services), provided the conferences or school-related activities cannot be scheduled during nonwork hours. When leave cannot be scheduled during non-work hours and the need for leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the NACC's operations. Leave under this policy is unpaid. However, the employee may substitute accrued paid time off for leave under this policy.

### **5-13. Minnesota: Crime Victims Leave**

Employees who are victims of a violent crime and are subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony may be granted reasonable time off from work without pay to attend criminal proceedings related to the victim's case. Employees who are a victim's spouse or immediate family member may be granted reasonable time off from work without pay to attend criminal proceedings related to the victim's case.

Employees must give 48 hours' advance notice of the request for time off pursuant to this policy, unless impracticable or an emergency prevents the employee from doing so.

Upon request, the employee must provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the NACC.

### **5-14. Minnesota: Domestic Abuse or Harassment Leave**

Employees are entitled to reasonable unpaid time off to obtain or attempt to obtain an order of protection and/or other relief from a court related to domestic abuse or harassment.

The employee who is absent from the workplace shall give 48 hours' advance notice to the NACC except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable.

Upon request, the employee must provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the NACC.

## Section 6 - Communication

### 6-1. Use of Communications and Computer Systems

Native American Community Clinic's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other NACC policy. This includes the desk phones, NACC issued cell phones, NACC issued tablets, laptops, e-mail, and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the Native American Community Clinic systems.

NACC issued property including laptops, tablets, and portable communication devices should not be changed

Native American Community Clinic may access company issued NACC property and obtain the communications within the systems, including past voice mail, e-mail messages, text messages, etc. without notice to users of the system, in the ordinary course of business when the NACC deems it appropriate to do so. The reasons for which NACC may obtain such access include but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that NACC operations continue appropriately during the employee's absence.

The NACC may store electronic communications for a period after the communication is created. From time to time, copies of communications may be deleted.

The NACC's policies prohibiting harassment, in their entirety, apply to the use of NACC's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since the NACC's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

#### I. Personal and Company-Provided Portable Communication Devices

Native American Community Clinic-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes and should not be altered permanently without company approval, including sticker usage. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal

PCD also may be subject to monitoring if sent through the NACC's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a NACC-provided or personal device, employees must comply with applicable NACC guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a NACC-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If employees who use a personal PCD for business resign or are discharged, they will be required to submit the device to the IT department for resetting on or before their last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, NACC information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of NACC information. This is the only way currently possible to ensure that all NACC information is removed from the device at the time of termination. The removal of NACC information is crucial to ensure compliance with the NACC's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a NACC-issued device, the NACC's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

#### **A. Portable Communication Device Use While Driving**

Employees who drive on NACC business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while driving, and permitted by law, employees must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## 6-2. Internet Usage

NACC has specific guidelines for the use of the Internet whereby employee must ensure that they:

1. Comply with current laws regarding internet usage.
2. Do not create unnecessary business risk to NACC by misuse of the Internet.
3. Limited personal use of the Internet to scheduled break time and scheduled lunch time.
4. Limit use of non-work-related emails, to scheduled breaks and scheduled lunch times, during these times, emails of these types are to be used in moderation or at home.

Unacceptable Internet Use (note: this list is not exhaustive)

1. Use of the Internet for non-work-related activities during work hours
2. Visiting Internet sites that contain obscene, hateful, or pornographic materials.
3. Using the computer to perpetrate any form of fraud, or software or music piracy.
4. Using the Internet to send offensive or harassing material to other users.
5. Downloading commercial software or any copyrighted materials belonging to third parties unless advance permission from EO and this download is covered or permitted under a commercial agreement or other such license.
6. Hacking into unauthorized areas.
7. Creating or transmission of defamatory materials.
8. Undertaking deliberate activities that waste staff effort or network resources. (Downloading photos, music, live streaming, videos, surfing the web, dating sites, non-work related graphics, animated cursors etc., and any other use of the Internet for personal use during paid work times). Generating or forwarding chain letters, jokes, or other mass emails is considered an inappropriate use of NACC computers.
9. Introducing any form of computer virus into the corporate network.

Further, Native American Community Clinic may review Internet usage to ensure that such use with NACC property, or communications sent via the Internet with NACC property, are appropriate. The reasons for which the NACC may review employees' use of the Internet with NACC property include but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that NACC operations continue appropriately during the employee's absence.

Note: any damage to NACC computers and systems because of inappropriate use and/or abuse will be addressed on an individual basis and may result in disciplinary action.

## 6-3. Use of Social Media

Native American Community Clinic respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect NACC interests and ensure employees focus on their job duties, employees must adhere to the following rules:

- Employees may not post on a blog or web page or participate on a social networking platform, such as Twitter or similar site, during work time or at any time with NACC equipment or property.
- All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.
- Whether the employees are posting something on their own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the NACC and also expresses either a political opinion or an opinion regarding the NACC's actions that could pose an actual or potential conflict of interest with the NACC, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is a personal opinion and not the NACC's position. This is necessary to preserve the NACC's good will in the marketplace.
- Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden. NACC policies apply equally to employee social media usage.

Native American Community Clinic encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

#### **6-4. Publicity/Statements to the Media**

All media inquiries regarding the position of the NACC as to any issues must be referred to EO. Only the EO is authorized to make or approve public statements on behalf of the NACC. No employees, unless specifically designated by the EO, are authorized to make those statements on behalf of NACC. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the NACC must first obtain approval from the EO. Violation of this policy could result in disciplinary action up to and including termination.

#### **6-5. Solicitation and Distribution**

To avoid distractions, solicitation by an employee is prohibited while working and in all immediate patient care areas. Any solicitation must be approved by a manager and is limited to the break room during non-working time. The use of NACC email system to communicate the solicitation is prohibited. "Working time" is the time an employee is engaged or performing their work tasks for NACC.

Solicitation of any kind by non-employees on NACC premises is always prohibited. Communicate to the non-employee that solicitation is not allowed on NACC premises when the non-employee approaches NACC.

Distribution of advertising material, handbills, printed or written literature of any kind in immediate patient care areas and all other working areas of NACC must be approved through the Operations Manager. Distribution of literature by non-employees on NACC premises must be approved by

Operations.

## **6-6. Bulletin Boards**

Important notices and items of general interest are continually posted on Native American Community Clinic bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at Native American Community Clinic and the community.

## **6-7. HIPAA/PHI Policy**

The HIPAA policy is in place to provide principles and guidelines for the contents, maintenance, and confidentiality of patients' medical record that meet the requirements set forth in Federal and State laws and regulations, and to define the portion of an individual's healthcare information, whether in paper or electronic format, that comprises the medical, dental, and dental record.

NACC ensures that the medical, mental, and dental patient protected health records are maintained in a manner that is consistent with the legal requirements, and is current, standardized, detailed, organized, and available to providers at each patient encounter. This allows for facilitating coordination and continuity of care, and permits effective, timely, quality review care and service.

Patients will be afforded the opportunity to consent to or deny the release of identifiable medical or other information except as required by law. All protected health records will be filed, stored, and restricted from public access by utilizing standardized and centralized network tracking. All patients will have the ability to review, inspect and/or obtain a copy of their Protected Health Information (PHI) in their medical, mental, and dental health record. Medical, mental, and dental information may not be disclosed without the consent of the patient.

Medical, mental, and dental records are the property of NACC and shall not be removed from the facilities record keeping systems, except when required by law. All employees of NACC are required to sign the confidentiality statement upon hire and annually. This policy applies to all employees of Native American Community Clinic (NACC).

### **I. PHI and PPI on Teams**

Any PHI or PPI located on Microsoft Teams must have a Sensitivity Label applied to restrict access. For more information refer to the "Teams Sensitivity Label Policy" in NACC Team Information + Resources

## **6-8. Confidential Company Information**

Native American Community Clinic (NACC) is committed to honoring the privacy of all patients and employees and protecting the data and information as required by all applicable rules, regulations, and laws for sharing and handling such data.

1. NACC employees must regard the patient's medical record as confidential information and must always be protected from loss or tampering. No one except authorized NACC

personnel is allowed access to the patient's medical record.

2. Staff must avoid conversations regarding patients in hallways or other public areas.
3. When making telephone calls, be cautious in discussing detailed information over phones in high traffic areas.
4. When attempting to reach patients by phone, do not leave messages unless authorized by the patient to do so with specific persons or family members.
5. Do not leave patient-specific information in non-secure areas.
6. All copies of patient records data or databases, including NACC schedules with patient names, must be shredded, or locked at the end of the corresponding workday; **never** tossed in unsecured trash.
7. Do not remove medical records, disks, reports, or printouts containing patient-identifiable information from NACC.
8. Keep security codes and passwords private. Do not share with anyone.
9. Computerized patient databases or data are to be saved in password protected files on the NACC shared network drive.
10. Confidential patient paperwork should only be in designated patient folders (in a locked program specific file cabinet). No confidential paperwork should be located on employee desks for more than that corresponding workday.
11. No patient data (hard copy) or databases (electronic) should be emailed, copied, or taken off premises. All work with patient data must be done on-site at the Native American Community Clinic, with exceptions to providers and managers.
12. All medical records should be stored after-hours in a secured area. These two areas are: the locked Medical Records room and Provider Office.
13. Use of the organization provided laptop onsite or off-site must adhere to all confidentiality and communication policies.

**Unauthorized release of confidential information is cause for immediate termination.**

## Section 7 - General Standards of Conduct

### 7-1. Workplace Conduct

NACCs mission, community values, and code of conduct are rooted in the seven grandfather teachings. Humility, Courage, Honesty, Wisdom, Truth, Respect, and Love.

Through embodiment of these values, NACC endeavors to maintain a positive work environment. Patients served by NACC are particularly vulnerable, and therefore NACC employees understand that the services we provide require the highest standards of professionalism, integrity, and competence.

You should be prepared to exercise good judgement and common sense in deciding the right actions to take, because the code of conduct and our policies cannot cover every situation that may arise. Please ask questions if you are unclear about any aspect of the code of conduct, or if you are not sure how to respond to an issue not addressed in this handbook.

Our guiding principles are rooted in our shared organizational values. They provide a framework to guide our decision making in all circumstances. Living and working by these values will enable us to create a company culture that we can all be proud of— consistency between our actions and our values promotes harmony and healing.

NACC's values are non-negotiable. Our ability to deliver on our mission and serve our community is dependent on how we show up in our lives and our work daily.

**Love:** Promote health & wellness of mind, body, and spirit in Native American Families.

**Honesty and Truth:** We strive to be honest and to hold ourselves to the highest possible moral standards. Our reputation in the community and the trust of our patients needs to be protected and nurtured. It is up to all of us to make sure that we continually earn that trust. All our interactions and encounters with the community we serve should promote confidence, trust, and loyalty.

**Humility and Courage:** We strive to lift each other up, to provide constructive feedback, and listen to our coworkers concerns without defensiveness. A culture of patient safety and non-judgmental incident reporting is part of our DNA here at NACC. Any time you observe issues that threaten the safety or health of our patients, your coworkers, or the community, say something. Improving our services, facilities, and abilities is a team effort. NACCians are always empowered to step forward and provide feedback-- everyone on this team has a voice, we encourage all team members to use that voice to promote the health and safety of our patients, community, and coworkers.

**Wisdom:** We strive to do the right thing in all situations, even though the right path is rarely the easiest. Ethics are the moral guidelines that guide our actions, words, and deeds. Good ethics are the basis of a cohesive, supportive company culture— these values help us build a strong relationship with each other and our patients.

**Respect:** We strive to create a diverse and dynamic environment that acknowledges the harms of colonization while respecting the way of life and traditions of every nation, tribe, and culture. We understand that our perspective, values, and way of looking at the world may be different from coworkers, patients, and community



members— we have all been shaped by our own unique life experiences. We've found that our culture is stronger when we move toward difficult topics, conversations, and conflicts with mutual respect and empathy.

Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the NACC's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing Native American Community Clinic property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Violation of Native American Community Clinic's Drug and Alcohol-Free Workplace Policy.
6. Fighting, threatening or disrupting the work of others or other violations of Native American Community Clinic's Workplace Violence Policy.
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
10. Gambling on NACC property.
11. Willful or careless destruction or damage to NACC assets or to the equipment or possessions of another employee.
12. Wasting work materials.
13. Performing work of a personal nature during working time.
14. Violation of the Solicitation and Distribution Policy.
15. Violation of Native American Community Clinic's Harassment or Equal Employment Opportunity Policies.
16. Violation of the Communication and Computer Systems Policy.
17. Inappropriate or unprofessional boundaries with patients or clients.
18. Unsatisfactory job performance.
19. Any other violation of Native American Community Clinic policy.

Use of non-prescribed mind-altering chemicals is not compatible with the health and safety of patients and coworkers. Consumption of alcohol and illegal drugs at NACC is strictly prohibited. If a manager has reasonable suspicion to believe that an employee's use of drugs and/or alcohol may adversely affect the employee's job performance or the safety of the employee or patients, the manager may request an alcohol and/or drug screening. A reasonable suspicion may be based on subjective characteristics such as the employee's appearance, behavior, or speech.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and Native American Community Clinic reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The NACC will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, Native American Community Clinic will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

## 7-2. Workspace

NACC understands that it is important to provide employees with the correct tools to perform their jobs. To ensure fairness, and ensure the organizations can support and maintain equipment, NACC has a standard issue of supplies for employees:

- Technology:
  - a. Laptop: All employees will be issued a Lenovo 14" laptop, except Registration Coordinators. 10-key Lenovo laptops will be issued per request of management.
  - b. Mac laptops: Are available for providers, nurse, and senior management staff upon request.
  - c. Monitor: All non-patient facing employees will be issued one (1) external monitor. Patient facing employees will be issued one (1) external monitor upon request. Two (2) external monitors will only be issued in special circumstances upon request and approval of the manager, Finance, and Operations.
  - d. Keyboard: All non-patient facing employees will be issued a keyboard. Patient-facing employees will be issued upon request.
  - e. Mouse: All non-patient facing employees will be issued a mouse. Patient-facing employees will be issued upon request.
  - f. Headphones: Standard headphones are issued upon request.
  - g. Phone: All employees will be issued a desk phone if their workspace allows. Cell phones will be issued at the request of management.
  - h. Vocera Badge: Employees who are on location full time will be issued a personal Vocera badge. All other employees will use shared Vocera badges.
- Office Supplies: All general office supplies ordered by NACC will be at its employee's disposal. Beyond standard supplies, employees can request specialized materials with Manager approval, to Operations. Operations will make the decision along with finance if this request can be granted.
- Desk Furniture: All employees will be provided with a desk, chair. Sit-stand risers will be provided to those without a sit-stand desk and upon request.

Employees are responsible for the general care of their issued equipment, including all technology, furniture, and supplies. Any issued equipment which is broken must be reported to the appropriate Operations team member. All equipment/tech must be returned in the same state that they were issued. This means any company issued equipment/tech should remain free of writing, drawing, stickers, labels, etc. which are not placed there by the Operations department.

## 7-3. Conflict Resolution

The purpose of the employee resolution policy is to provide a means for the employee to resolve workplace concerns with management.

NOTE: Personal conflicts between employees are not covered under conflict resolution policy. Ordinary employee conflicts should be dealt with by the involved employees. Managers can be requested to help

with mediation of these personal issues but will not be considered part of this procedure.

Step 1: The employee should present the conflict, verbally or/in writing (employee feedback form) to their immediate supervisor. The supervisor/manager will review and respond. If the conflict resolution involves an immediate manager, the employee may request a manager from another department to mediate and resolve the conflict.

Step 2: If the Manager fails to respond in a reasonable time period, the employee should put in writing and submit to their Department Head or Human Resources. The Department Head or HR will respond timely.

Step 3: An employee must follow Step 1 and Step 2 first or the appeal will not be discussed any further. If the employee has not had resolution, an employee may submit an appeal to the Operations Officer. The Operations Officer will arrange a meeting for the appealing employee and the immediate manager, either separately or jointly. The Operations Officer may also request statements from other employees.

The Director of Operations may refuse to grant the employee's request for appeal when the issues involved are minor in nature or involve evaluations or judgments by management. These may be referred to Human Resources, unless they appear to be contrary to the policy, malicious or vindictive.

Specific timeline can be discussed with your manager regarding conflict resolution.

## **7-4. Non-Harassment**

It is Native American Community Clinic's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by Native American Community Clinic.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on NACC premises, while on NACC business (whether or not on NACC premises) or while representing the NACC. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected

characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. Unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. Requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. Obscene or vulgar gestures, posters or comments;
4. Sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. Propositions or suggestive or insulting comments of a sexual nature;
6. Derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. Uninvited touching of a sexual nature;
9. Unwelcome sexually-related comments;
10. Conversation about one's own or someone else's sex life;
11. Conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. Teasing or other conduct directed toward a person because of the person's gender.

### **Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Manager. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact HR Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

### **Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

### **Retaliation Prohibited**

In addition, the NACC will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

## **7-5. Sexual Harassment**

It is NACC's policy to prohibit harassment of any employee by any manager, employee, customer, or vendor on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within NACC. It is to ensure that at NACC all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment and there is a wide range of behavior that may violate this policy even if such behavior does not violate the law, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment.

If you feel that you have been subjected to conduct which violates this policy, you should immediately report the matter to your manager. If you are unable for any reason to contact this person, or if you have not received a satisfactory response within five business days after reporting any incident of what you perceive to be harassment, please contact the EO. If the person toward whom the complaint is directed is one of the individuals indicated above, you should contact any higher-level manager in your reporting hierarchy. Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, NACC will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If you feel you have been subjected to any such retaliation, report it in the same manner you would report a claim of perceived harassment under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

## 7-6. Workplace Violence

Native American Community Clinic is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to NACC and personal property.

Native American Community Clinic does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, Native American Community Clinic specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, Native American Community Clinic does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in NACC policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

### **Prohibited Conduct**

Threats, threatening language or any other acts of aggression or violence made toward or by any NACC employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto NACC premises.

### **Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede Native American Community Clinic's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the NACC determines, after an appropriate good faith investigation, that someone has violated this policy, the NACC will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the NACC to be aware of any potential danger in its offices. Indeed, the NACC wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

## **7-7. Inspections**

Native American Community Clinic reserves the right to require employees while on NACC property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on NACC or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the NACC or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

## **7-8. Conflict of Interest and Business Ethics**

It is Native American Community Clinic's policy that all employees avoid any conflict between their personal interests and those of the NACC. The purpose of this policy is to ensure that the NACC's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the NACC.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the NACC, by any employee who is in a position to directly or indirectly influence either the NACC's decision to do business, or the terms upon which business would be done with such organization;
2. holding any interest in an organization that competes with the NACC;
3. being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the NACC or which competes with the NACC; and/or
4. profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with the NACC.

A conflict of interest would also exist when a member of the employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee (and the employee's immediate family) and the NACC.

## **7-9. Use of Facilities, Equipment and Property, Including Intellectual Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss, damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the NACC's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the NACC is not responsible for any damage to employees' personal belongings unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

## **7-10. Health and Safety**

The health and safety of employees and others on NACC property are of critical concern to Native American Community Clinic. The NACC intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the NACC's premises, or in a product, facility, piece of equipment, process or business practice for which the NACC is responsible should be brought to the attention of management immediately.

Periodically, the NACC may issue rules and guidelines governing workplace safety and health. The NACC may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

All NACC Staff are required to submit a ticket in the NACC Incident Tracker (<https://secure2.incident-tracker.com/Default?vdir=088AD3CC10984691A5CE345BA4A0B96F>) when involved in or witnessing:

- An issue on NACC premises.
- An employee issue.
- A HIPAA issue.
- A workplace safety concern.
- A patient complaint.
- A Dr. Strong situation.

Because of their contact with patients or infective material from patients, many healthcare workers (HCWs) (e.g., physicians, nurses, emergency medical personnel, dental professionals and students, medical and nursing students, laboratory technicians, hospital volunteers, and administrative staff) are at risk for exposure to and possible transmission of vaccine-preventable diseases. Maintenance of



immunity is therefore an essential part of prevention for HCWs.

NACC requires active immunization for diseases that pose special risks for HCWs i.e., hepatitis B, influenza, measles, mumps rubella and varicella. Employees should also have those vaccines that are recommended for all adults (i.e., tetanus, diphtheria and pneumococcal disease.) and those vaccines that are recommended for them in their particular circumstance, (i.e., hepatitis A, meningococcal disease) and as situations arise (e.g. pertussis or H1N1).

It is the policy of NACC that their employees have documented immunity as demonstrated by serology or by documented vaccinations to hepatitis B, measles, mumps, rubella, and varicella. Healthcare workers who are not immune will need to be vaccinated against these diseases.

Healthcare workers are encouraged to receive the influenza vaccine annually.

All NACC employees have the potential for exposure to M. tuberculosis through air space shared with persons with infectious TB disease. All paid, volunteer, part time, temporary, contracted, and full-time employees should be included in our TB screening programs.

According to guidelines set up by the MDH, NACC is considered medium risk for tuberculosis transmission, and as such employees will receive appropriate TB screenings on hire and annually.

Employees are prohibited from sharing over the counter or prescription medication with another employee on NACC premise at any time. Any personal medication needs to be locked in a desk or lockers inaccessible to other employees.

## **7-11. Hiring Relatives/Employee Relationships**

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, Native American Community Clinic may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the NACC. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The NACC generally will attempt to identify other available positions, but if no alternate position is available, the NACC retains the right to decide which employee will remain with the NACC.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

## 7-12. Gift Policy and Disclosure Form

As a part of its Conflict of Interest Policy, NACC requires that directors, officers, and employees decline to accept certain gifts, consideration, or remuneration from individuals or companies that seek to do business with NACC or are a competitor of it. This policy and disclosure form is intended to implement that prohibition on gifts.

Definitions:

- “Responsible person” is any person serving as an officer, employee, or a member of the Board of Directors of NACC.
- “Family member” is a spouse, domestic partner, parent, child or spouse of a child, sibling, or spouse of a sibling of a responsible person.
- “Contract or transaction” is any agreement or relationship involving the sale or purchase of goods, services or rights of any kind, receipt of a loan or grant, or the establishment of any other pecuniary relationship. The making of a gift to NACC is not a “contract” or “transaction.”

### Prohibited Gifts, Gratuities, or Entertainment

Except as approved by the Board Chair or their designee, or for gifts of less than \$50 which may not be refused without discourtesy, no responsible person or family member shall accept gifts, entertainment, or other favors from any person or entity which:

1. Does or seeks to do business with NACC or,
2. Does or seeks to compete with NACC or,
3. Has received, is receiving, or is seeking to receive a contract or transaction with NACC.

### Consultant Fees, Honoraria, Gifts

All NACC employees are encouraged to participate in a variety of community and professional activities. In those instances where an employee's activities are part of their regular duties and responsibilities, any payment will be turned over to NACC. All fees derived from NACC reports, activities, events, or speaking engagements while employed by NACC shall also be turned over to the organization.

In some instances, an individual may do work that is based on activities or experiences prior to or separate from their regular duties and responsibilities at the NACC. To avoid actual or appearance of conflict of interest, any employee who engages in any remuneration activity in any field directly related to NACC programs must have prior approval by the Chief Executive Officer. The Board of Directors will review these issues for the Chief Executive Officer.

No employee may formally represent themselves as a spokesperson for NACC without prior approval of their manager.

## 7-13. Business Expense Reimbursement

### Purchase Orders

Purchase requests and payment requests are completed in Sage Intacct (Accounting Software). Only select employees have access to this software. If you do not have access, please see someone within your

department that does or the Operations team. Please see NACC finance policies for further information. **Any purchases made without prior approval may result in disciplinary action.**

### **Reimbursement**

**\*\*Note: In certain situations where timelines are short or unexpected or the Finance Officer is not available, an employee may receive verbal permission from the department head and Finance Officer for making a purchase.**

If an employee has received verbal approval from the Finance Officer or Executive Officer to make a purchase, they may do so and must retain the receipt for the items purchased. The employee must then follow the finance policies to complete a payment request.

## **7-14. Personnel Travel**

Personal and spousal travel expenses. With advance approval from the EO, individuals traveling on behalf of Organization may incorporate personal travel or business with their NACC-related trips; however, Personnel shall not arrange organization travel at a time that is less advantageous to the organization or that involves greater expenses to the organization in order to accommodate personal travel plans. Any additional expenses incurred as a result of personal travel, including but not limited to extra hotel nights, additional stopovers, meals or transportation, are the sole responsibility of the individual and is considered off work and will not be reimbursed by the organization. Expenses associated with travel of an individual's spouse, family, or friends will not be reimbursed.

## **7-15. Operation of Vehicles**

All employees authorized to drive NACC-owned or leased vehicles or personal vehicles in conducting NACC business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle off or on NACC property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

NACC-owned or leased vehicles may be used only as authorized by management.

### **Portable Communication Device Use While Driving**

Employees who drive on NACC business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employees are driving, and permitted

by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## **7-16. References**

Native American Community Clinic will respond to reference requests through the Human Resources Department. NACC will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Department.

**Only the Human Resources Department may provide references.**

## **7-17. If You Must Leave Us**

Should you decide to leave NACC, we ask that you provide your manager notice of your impending departure with a minimum of 2 weeks for non-exempt staff and minimum of 30 days for management/exempt staff. Your thoughtfulness will be appreciated and will help NACC to continue to provide necessary services until a replacement for you can be identified.

All NACC property including, but not limited to phones, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc. must be returned at separation. Employees also must return all of NACC's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay NACC (through payroll deduction, if lawful) for any lost or damaged NACC property.

As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

## **7-18. Exit Interview**

Employees who resign are requested to participate in an exit interview with Human Resources. By engaging in an exit interview, you are helping the NACC leadership and human resources to improve NACC for your fellow employees and future staff as well. Your cooperation is greatly appreciated.

## **7-19. A Few Closing Words**

This handbook is intended to give employees a broad summary of things they should know about Native

American Community Clinic. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, Native American Community Clinic, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about the NACC or its personnel policies and practices.

## General Handbook Acknowledgment

This Employee Handbook is an important document intended to help employees become acquainted with Native American Community Clinic. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the NACC's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

**I have received and read a copy of Native American Community Clinic's Employees Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the NACC at any time.**

**I further understand that my employment is terminable at will, either by myself or the NACC, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no representative of Native American Community Clinic other than NACC Leadership may alter "at will" status and any such modification must be in a signed writing.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the NACC's Employee Handbook.**

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

## Receipt Of Non-Harassment Policy

It is Native American Community Clinic's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by Native American Community Clinic.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on NACC premises, while on NACC business (whether or not on NACC premises) or while representing the NACC. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. Unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. Requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. Obscene or vulgar gestures, posters or comments;
4. Sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. Propositions or suggestive or insulting comments of a sexual nature;
6. Derogatory cartoons, posters and drawings;
7. Sexually-explicit e-mails, text messages or voicemails;
8. Uninvited touching of a sexual nature;
9. Unwelcome sexually-related comments;
10. Conversation about one's own or someone else's sex life;
11. Conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. Teasing or other conduct directed toward a person because of the person's gender.

### **Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Manager. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact HR Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

### **Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

### **Retaliation Prohibited**

In addition, the NACC will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand Native American Community Clinic's Non-Harassment Policy.

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.



## Confidentiality Agreement

All NACC staff is required to sign a Confidentiality Agreement agreeing to the following.

During my employment at NACC, I will:

1. Only access information and data necessary to do my legitimate work activities.
2. Not discuss or share patient or employee information with another individual unless it is necessary for that individual to perform their work activities and s/he is authorized to have access to the information.
3. Exercise discretion in conducting conversations or acting in a manner which would reveal confidential information while in a public or semi-public area, such as the break room.
4. Prevent unauthorized persons from accessing and viewing patient or employee data by not leaving patient information on computer screens, printers, fax machines, or in insecure areas.
5. Inform my manager if I have reason to believe that anyone may have learned or has used my security code for accessing computer systems at NACC.
6. Inform my manager if I observe untrained and unauthorized persons harming or accessing computer systems through inappropriate use.
7. Use all property, data, and products in accordance with the applicable licensing agreement, lease agreements, and contracts for NACC.
8. Access medical records only if related directly to my providing patient care or quality reviews if that is part of my job.

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

## Conflict Of Interest

All staff of the Native American Community Clinic (NACC) are required to sign a Conflict of Interest. The following policy can be found under NACC Team Information + Resources >NACC Policies>Files>General>Conflict of Interest

**Purpose:** To avoid any conflict of interest in its operations and, where possible, to avoid even the appearance of a conflict of interest.

**Policy:** All NACC staff and board members covered by conflict of interest policy agree that they will not participate in any decision that materially benefits them, a member of their immediate family, or an organization with which the individual has a formal relationship. This policy applies to all members of the staff and the Board of Directors at NACC.

Procedure:

### Specific Guidelines

Individuals covered by this policy shall not solicit or enter into financial transactions involving NACC except upon the following conditions:

The individual involved identifies the potential conflict to the board;

The individual fully discloses all facts relevant to the board's decision; and

The individual absents him or herself from any discussion of the matter and refrains from deciding or voting on it.

Individuals covered by this policy shall not knowingly accept any gifts or loans from any source from which NACC purchases goods or services.

Individuals covered by this policy shall not knowingly disclose or use information relating to the organization or Board's business for the personal profit or advantage of themselves or an immediate family member.

### Determining the Existence of a Conflict of Interest

Individuals covered by this policy shall consult with the NACC EO or NACC Board President in any situation where they are unsure whether this policy applies.

#### Requirement For Approving a Conflict of Interest Transaction

Staff and board members of NACC may enter into a transaction which involves a conflict of interest only if it is approved by an affirmative vote of a disinterested majority of the NACC Board of Directors, provided that such vote is taken in good faith after full disclosure as described above. The minutes of the meeting of the Board shall reflect that the conflict of interest was disclosed, that the interested person was not present during the final discussion or vote, and that the interested person did not vote.

### IV. Disclosure Requirements

In the interest of full disclosure, I declare the current conflict(s) of interest:

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.