

# Cankdeska Cikana Community College



## Personnel Policies

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*Think Dakota • Live Dakota*

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## **101 Introduction**

This policy manual is developed to acquaint all employees of Cankdeska Cikana Community College (CCCC) with information regarding working conditions, employee benefits, employer expectations of employees, and policies directly guiding employment at Cankdeska Cikana Community College. It is the responsibility of all employees to read and comply with the policies in this manual.

In order to retain necessary flexibility in the administration of policies and procedures, the CCCC Board of Regents reserves the right to supplement, change, and revise or eliminate any of the policies and benefits described in this manual.

## **102 Reservation of Rights**

Cankdeska Cikana Community College reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of the policy or the procedures or benefits discussed herein. Employees will be notified of policy revisions or procedural changes. Further, although adherence to these provisions is considered a condition of employment, nothing in this policy alters the status of the Cankdeska Cikana Community College employees as employees at will and these provisions do not constitute nor can they be deemed a contract or promise of employment.

## **103 Media Policy**

The protection of Cankdeska Cikana Community College's reputation, integrity, and process is vital to the interest and success of the College. With reasonable advance notice, all employees are required to notify the President in writing and receive appropriate authorization to publish news articles and/or grant interviews to the media concerning Cankdeska Cikana Community College.

## 104 Employee Conduct

Cankdeska Cikana Community College serves the residents of the Spirit Lake Dakota reservation community. It is expected that all employees uphold the highest standards of professionalism, integrity, and character in performing their job functions and representing the College. Understanding and emulating the Dakota values is essential to the College's teaching and learning process:

*Think Dakota, Live Dakota*

<i>Woksape</i>	<i>Wisdom</i>
<i>Wicowahba</i>	<i>Humility</i>
<i>Wowaditake</i>	<i>Courage</i>
<i>Wawokiya</i>	<i>Generosity</i>
<i>Wowaditake</i>	<i>Fortitude</i>
<i>Waohoda</i>	<i>Respect</i>
<i>Ohañ owotana</i>	<i>Honesty, integrity</i>



## **105 Employment At Will**

*Revision Date: 06/05/2019*

CCCC is an “at will” employer per state and federal rules. Your employment with CCCC is at will.

## 106 Conflict of Interest

This policy is in addition to other College regulations, policies and guidelines relating directly or indirectly to the duty of loyalty that is owed by members of the College community.

Every member of the College community becomes involved in situations where their loyalties may be divided or where their personal interest may conflict with their duty. This policy sets a general standard to govern conduct when such situations arise.

Application: This policy applies to all members of the College, including Board of Regents, all employees (academic, administrative, and support staff) and, when appropriate, students and volunteers (hereinafter collectively referred to as "members"), and constitutes part of the formal relationship between the member and the College.

Definition: A conflict of interest exists where a member owes a duty of loyalty to CCCC, which is or can be compromised, directly or indirectly, by the pursuit of a member's personal interests.

Examples: The following are examples of conflict of interest situations that may arise in the College context. The situations enumerated are illustrative only and not exhaustive:

- a. Employment, supervision, or evaluation:  
No member shall participate in the appointment, employment, promotion, supervision, or evaluation of members of their family (as defined early in the policy manual under nepotism) or a person to whom they owe a personal or legal obligation.
- b. Acquisition and disposition of assets:  
No member shall influence, participate in or authorize the acquisition or disposition by the College of any asset, including supplies or services from or to an enterprise in which the member has a financial or other interest.
- c. Participation in organizations doing business with the College:  
No member may influence the decisions of an external enterprise doing business with the College, whether or not for profit, as it relates to the College in general and to the member's activities at the College specifically.

### Duty of Loyalty

The following provisions set out some instances of the duty of loyalty, which arises either as a consequence of the employment relation that exists between the member and the College, or by virtue of other voluntary undertakings of members.

- a. External commitments: A member may not accept external employment or engage in activities which by virtue of their time commitment, interfere with or prevent the performance of College duties or bring the member into a position of divided loyalty between the College and the external employer.
- b. Unauthorized use of privileged information:  
Information acquired as a result of the member's College position may not be

- c. Use of College services and resources:  
A member may not use the services of other members or make more than inconsequential use of College facilities, supplies or resources to serve a personal interest of that member unless authorized to do so.
- d. Acceptance of gifts:  
Acceptance of gifts, gratuities, or favors in any form, (except for gifts of purely nominal value and social entertainment considered in keeping with good professional ethics and which do not obligate the member), are prohibited.
- e. Competition with the College:  
No member may compete with the business of the College, unless such activity has been duly authorized. No member may be associated in any manner with an enterprise, which in any manner, including through its name, publicity or operations, falsely implies that it is associated with or benefits from the College, unless authorized to do so.

#### Procedure

- In addition to reporting requirements contained in other College policies or regulations, a member in a conflict or potential conflict of interest must disclose the circumstances to the President and/or Board of Regents as appropriate and in a timely fashion.
- In the event that such a conflict or potential for conflict does exist, the President and the member will agree in writing on a course of action to avoid or monitor the conflict.
- In the event that agreement cannot be reached, the case will be referred to the next level of authority for resolution/decision.

All information and disclosures made in accordance with this policy will be held in confidence unless otherwise agreed by the parties involved.

It is the responsibility of those with supervisory authority and/or any member who detect what they believe to be violations of the policy, to act promptly in order to provide or initiate the appropriate remedial or disciplinary measures.

## **201 Equal Employment Opportunity**

It is the policy of Cankdeska Cikana Community College to recruit, hire, train and promote employees without discrimination because of race, color, religion, gender, age, creed, status of marriage or public assistance, national origin or physical requirements or bona fide occupational qualification, or where Indian Preference or Veteran's Preference is appropriately claimed.

If Indian Preference is claimed, it is the applicant's responsibility to furnish proof of  $\frac{1}{4}$  or more degree Indian blood.

If Veteran's Preference is claimed, it is the applicant's responsibility to furnish a copy of a United States Government form DD214 or an honorable discharge from any branch of the military service.

## **202 Non-Discrimination**

*Revision Date: 01/24/2017*

Cankdeska Cikana Community College will not discriminate in its educational programs, activities, or employment practices, based on race, color, national origin, gender, sexual orientation, disability, age, religion, ancestry, or any other legally protected classification.

Announcement of this policy is in accordance with Federal law, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990.

Inquiries or concerns may be referred to the Academic Dean, Cankdeska Cikana Community College, (701) 766-1309 or 1-888-783-1463 or to the Office of Civil Rights, US Department of Education, 500 W. Madison Street Suite 1475 Chicago, IL 60661.

## 203 Non-Disclosure

The materials, products, designs, plans, ideas, and data of Cankdeska Cikana Community College are the property of the College and should never be given to an external firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, including termination, dependent on breach.

Confidential information includes but is not limited to the following examples:

- Personnel Data, records, forms or
- CCCC proprietary information
- Competitive bid information
- Compensation data
- Financial information
- Marketing strategies
- Pending projects and proposals
- Research and development strategies
- Scientific data
- Scientific formulae
- Scientific prototypes
- Student records
- Technological data
- Technological prototypes

## **204 Disabilities or Life-Threatening Illness**

Cankdeska Cikana Community College is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. Reasonable accommodation is available to any disabled employee.

An employee with a life-threatening illness, i.e. cancer, heart disease, HIV/AIDS, may wish to continue working to the extent that their condition allows. A physician statement for work release is needed.

## 205 Privacy

Cankdeska Cikana Community College (CCCC) is respectful of employee privacy. All employee demographic and personal information will be shared only as required in the normal course of business. Healthcare enrollment information is kept in the employee's payroll file separate from the employee personnel file. Worker's Compensation information is not considered private healthcare information; however, this information will be released only on a need-to-know basis.

The college does not make or receive any private healthcare information through the course of normal work. If any employee voluntarily shares private healthcare information with a member of management, this information will be kept confidential. If applicable, the college will set up internal guidelines for employees and management to follow to ensure that company employees conform to the requirements of the Health Insurance Portability and Accountability Act (HIPAA).



## **206 Other Laws and Regulations**

The provision of these procedures and policies shall apply in addition to and shall be subordinated to any requirements imposed by applicable federal, state or Tribal laws, regulations or judicial decisions. Unenforceable provisions in these procedures shall be deemed to be deleted and will not affect the enforceability of the remaining provisions.

## 207 Spirit Lake TERO

Cankdeska Cikana Community College is an equal opportunity employer and will comply with the intent of the Tribal Employment Rights Ordinance (TERO). Charter 15-4-101 of TERO states:

1. All hiring administrators are required to give preference to Native American Indians in hiring, promoting, training and all other aspects of employment, contracting or subcontracting, and must comply with this Title and the rules, regulations and other commission.
2. Order of Native American Indian Preference.
  - a. Enrolled member of the Spirit Lake Tribe.
  - b. Native American Indians enrolled in a federally recognized tribe supporting enrolled members of SLT.
  - c. Local Indians.
  - d. Other minority.
  - e. Non-Indian living within the boundaries of the Spirit Lake Tribe reservation.
  - f. Non-Indian.
3. The above requirement shall apply only to facilities of an employer located or engaged in work on the Reservation.
4. Compliance with applicable federal law is mandated. If any requirement of Charter 15-4-101 Coverage #2 is not consistent with applicable requirement of federal law or regulations, the latter shall take precedence.

## **208 Immigration Law Compliance**

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 on day of hire and present documentation establishing identity and employment eligibility within three business days of date of hire. Former employees who are rehired must also complete an I-9 form if they have not completed an I-9 form with the college within the past three years, or if their previous I-9 form is no longer retained or valid.

## **209 Religious Accommodations**

The college will make reasonable accommodations for employees' observance of religious holidays and practices unless the accommodation would cause an undue hardship on the college's daily operations. If an employee desires a religious accommodation, he/she is required to make the request in writing to their immediate supervisor as far in advance as possible. Employees are encouraged to strive to find co-workers who can assist in the accommodation and cooperate with the supervisor in seeking and evaluating alternatives, during this time.

At the College President's discretion, up to five (5) days per calendar year of administrative leave may be granted for participation at a sun dance ceremony. The employee must provide a written and legible document signed by the sun dance leader stating the dates of the employee(s) involvement and verifying their type of participation (dancer, cook, helper, singer, or supporting a family member). A two-week advance notice is required utilizing the CCCC sun dance leave form.

## **210 Political Neutrality**

*Revision Date: 09/24/2015*

Maintenance of individual freedoms including political affiliation is guaranteed by the U.S. Constitution. As a non-profit organization, CCCC does not take part nor advocate for one position. As educators we promote civic responsibility through educational processes. We encourage participation by enrolled members of the Spirit Lake Tribe concerning Tribal nominations, elections, selections, and recall hearings of Spirit Lake Tribal Council members.

CCCC does not discriminate against employees based on their (lawful) political activity engaged in outside of work. If you are engaging in political activity, however, you should always make it clear that your actions and opinions are your own and not those of CCCC and that you are not representing CCCC.

Unless CCCC provides designated administrative leave for such purposes, eligible Tribal members are required to utilize annual leave when participating and/or attending Tribal meetings, elections, or hearings scheduled during the normal workday.

In the event that a CCCC employee or Board of Regents member who is a Spirit Lake Tribal member is elected to serve on the Spirit Lake Tribal Council then he/she will be required to resign from their position.

## 211 Drug and Alcohol Abuse Prevention Program

Revision Date: 01/24/2017

Cankdeska Cikana Community College as a recipient of Federal funds supports and complies with the provisions of the Drug Free Schools and Communities Act of 1989 and the Drug Free Workplace Act of 1988.

In order to receive federal financial assistance of any kind, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs or alcohol by employees or students, in compliance with the provisions of the Drug Free Schools and Communities Act Amendments of 1989.

To comply with this legislation, Cankdeska Cikana Community College hereby notifies all employees and students that the unlawful possession, manufacture, distribution, dispensation, or use of illicit drugs and alcohol on the campus is prohibited.

Violation of these policies by either employees or students will result in appropriate disciplinary penalties imposed per these Personnel policies. Appropriate disciplinary penalties include a range of actions up to and including termination of employment, expulsion, and referral for prosecution.

In addition, the Drug Free Workplace Act of 1988 ensures that work done under federal contracts or federal grants is performed in a drug free work environment. As a recipient of Federal funds, Cankdeska Cikana Community College supports and complies with the provisions of the Drug Free Workplace Act of 1988.

Cankdeska Cikana Community College has a vital interest in the health and safety of our employees as well as a need to protect the interest of the students served by the institution. To that the Board of Regents adopted a policy to identify and remove the adverse affects of alcohol and drugs in job performance, and to enhance the health and safety of our employees and students.

1. Cankdeska Cikana Community College employees shall be provided with educational information on drug abuse, including information on the availability of drug/alcohol services so that employees who develop drug or alcohol problems will be required to participate in an appropriate treatment program for rehabilitation. The employee will incur the treatment cost.
2. Cankdeska Cikana Community College maintains a drug free and alcohol-free workplace. As part of this policy, **any of the following actions constitute a violation of the policy and may subject an employee to disciplinary action including immediate termination:**
  - Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or controlled substance or drug paraphernalia, or

attempting or assisting another to do so, while in the course of employment or engaged in a Cankdeska Cikana Community College sponsored activity or on Cankdeska Cikana College premises or property.

- Working, reporting to work, conducting Cankdeska Cikana Community College business or being on Cankdeska Cikana Community College property while in an intoxicated condition or while having any measurable or detectable amount of alcohol in the employees' system or under the influence of an illegal drug or controlled substance.
  - Illegal use or possession of prescription drugs while in the course of employment or engaging in the provision of care or services, or on Cankdeska Cikana Community College premises or property.
  - An employee who suspects that a colleague or co-worker is under the influence of alcohol or illegal drugs should contact his/her supervisor immediately. An employee who suspects that a supervisor is under the influence of drugs or alcohol should contact the next level of supervision or chain of command.
  - If an employee admits to being under the influence of alcohol or drugs, drug or alcohol testing of the employee may not be necessary. In these cases, a mandatory referral will be made to a licensed treatment program.
  - Tampering and/or altering specimen during drug test process.
3. Cankdeska Cikana Community College will implement necessary measures to maintain a drug and alcohol free workplace including provisions and procedures for testing, random testing, and reasonable cause/reasonable suspicion testing, searching and inspection of personal property, preventive or correction actions and coordination with law enforcement agencies.
  4. Reasonable cause for Suspicion Testing: when an employee, by actions or behavior, gives Cankdeska Cikana Community College reasonable suspicion to believe that a violation of Cankdeska Cikana Community College Drug and Alcohol Policy has occurred, that employee will be required to undergo testing of drug and alcohol use. As a condition of continued employment, all employees are expected to cooperate with drug testing. Employees who refuse to submit to drug testing will be immediately terminated. This policy applies to all employees regardless of rank or position.
  5. Annual/Random Testing: All employees are subject to annual and random drug testing. All employees will be tested the 1<sup>st</sup> quarter and 25% random tested the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter. A recognized and approved random selection process based upon a number assigned to each employee of the institution will be used.

Such random testing may be deferred only when the employee is unavailable for testing. This employee will be subject to an unannounced testing. Once notified, any employee who skips out during an annual/random drug test is subject to immediate termination. The employee must report to the designated testing area immediately upon notification.

6. Pre-Employment: Any candidate for a position at Cankdeska Cikana Community College is subject to drug testing. An applicant who refuses to submit to drug testing, tampers with the test, or fails to pass the drug test will be ineligible for hire at Cankdeska Cikana Community College.
7. Consequences for Positive Testing: any employee who fails a drug test or has arrived for work under the influence of drugs or alcohol will be required to participate in a licensed alcohol/drug treatment program.
  - A. In addition, the employee will be suspended for three days without pay. The institution through weekly progress reports from the treatment program will monitor the progress of the treatment. If the employee does not participate in the treatment program he/she will be immediately terminated. Random drug testing will continue during treatment and after treatment is completed. If the employee tests positive during treatment or after completing treatment he/she will be terminated immediately. If the employee refuses to participate in the appropriate treatment program or does not successfully complete the program, the employee will be subject to immediate termination. This excludes pre-employment and probationary employees.
  - B. Aftercare: Upon completion of the initial drug/alcohol treatment program, the employee may be monitored for up to two years by their immediate supervisor as determined by the treatment program. As part of the aftercare program, monthly reports from the licensed drug/alcohol treatment program will be submitted to the Human Resource office.
  - C. Reports of relapses and/or missed aftercare meetings also will be reported to the supervisor by the licensed drug/alcohol treatment program. Non-compliance in the above stated elements of the aftercare program will result in immediate termination.

### **Convictions of Drug/Alcohol-Related Offenses**

Any employee convicted of any drug/alcohol-related criminal statute must notify their immediate supervisor in writing, no later than five (5) days after such conviction. Failure to inform will result in administrative sanctions, ranging in severity from formal counseling to termination of employment. Satisfactory participation in a college-approved drug abuse assistance or rehabilitation program will be required as a condition of continued employment by the college of all employees who violate this provision and are not terminated from employment.

Employees directly engaged in work under a federal grant or contract are required to notify their supervisors of any criminal drug statute conviction no later than five (5) calendar days after such conviction. The college will notify the granting federal agency within 10 calendar days of receiving notice of criminal drug statute conviction of any employee working under a federal grant or contract when such conviction involves a drug offense. Satisfactory participation in a drug abuse rehabilitation program that is approved by a federal, state, or local health, or law enforcement will be required as a condition of continued employment by the college.



## **212 Workplace Searches**

*Revision Date: 09/24/2015*

To protect college property and to ensure the safety of all employees, the college reserves the right to inspect and search any employee's office, desk, drawers, cabinets, files, equipment, including computers, email and voice mail, company vehicles, and any area on the premises. In this regard, it should be noted that all offices, desks, file drawers, cabinets, and other college equipment and facilities are the property of the college, and are intended for business use only. Employee should have no expectation of privacy with respect to items brought onto college property and/or stored in college facilities. Inspection may be conducted at any time, without notice, at the discretion of college administration.

In addition, when the college deems appropriate, employees may be required to submit to searches of their personal vehicles, parcels, purses, handbags, backpacks, brief cases, lunch containers, or any other possessions or articles brought on to the college's property.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. All employees must cooperate in an inspection; failure to do so is insubordination and will result in disciplinary action, up to and including termination.

### **301 Job Posting**

1. Advertisement of all open full-time positions shall be posted with local organizations and shall include appropriate information such as title, supervisor, qualifications, and duties for the appropriate time period and closing dates specified.
2. Advertisement of part-time or temporary positions will be at the discretion of the President. Direct recruitment for these types of positions (part-time or temporary) will be allowed if it is in the best interest of the College.
3. Local public newspaper, state and tribal employment agencies, radio stations, national ads, and other agencies may be utilized to advertise vacancies.

## 302 Employment Applications

Any person seeking employment at Cankdeska Cikana Community College must complete and submit the following to the Human Resources Office.

1. Application, resume, or curriculum vitae
2. Transcripts indicating proof of degrees or certificates. (Employee will provide official transcript if hired)
3. (3) current references.
4. Any other information to support the applicant's qualifications.

Disclaimer: The materials submitted become the property of CCCC. It is the individual's responsibility to provide what is requested to be considered for a position. We are under no obligation to return materials to applicants.

Any misrepresentation, falsification, or failure to submit materials as requested or required for verification will result in exclusion of the applicant from further consideration. Some positions may not require a degree or certificate, but a high school diploma or GED certificate is required for employment at the College. If a person has been hired, and it is later discovered that the employee had misrepresented him/herself either verbally or in the application process, the employee is subject to immediate termination.

### **303 Employment Background Check**

*Revision Date: 06/05/2019*

It is the policy of Cankdeska Cikana Community College to check references of each applicant to ensure that individuals are qualified and meet the requirements of the position. Cankdeska Cikana Community College reserves the right to do a formal professional or criminal background check on any person who applies for employment with the College, or who is employed by the college, or who may be employed by the college at any point in time.

The CCCC Human Resources Office contracts with the company vendor who completes the national Criminal Record Check (CRC) on each job applicant prior to hiring for a position. All applicants must complete and submit the Disclosure and Background Authorization Form to the Human Resources Director. The company vendor conducts the background investigation and returns the CRC Report to the Human Resources Director. The Human Resources Director reviews the CRC Report to determine if the applicant is eligible for employment.

Upon hire, a tribal background investigation is completed on each employee. The Spirit Lake Tribal Court conducts the background investigation and returns the CRC Report to the Human Resources Director. The Human Resources Director reviews the tribal CRC Report and notifies the supervisor if the employee is eligible to continue employment.

Any finding regarding criminal conduct, not disclosed by the applicant/employee, is grounds for not hiring and/or termination of employment.

Each employee is responsible for half the cost of the background check that can be paid through payroll deduction. The employee has a right to make a written request to Human Resources within sixty days for a copy of the background check findings.

### **304 Hiring Procedure**

- Applications are reviewed to determine if they meet qualifications for the position and if all information has been provided.
- Qualified applicants will be invited for an interview.
- A three-member team, determined by the Human Resources Director will interview candidates and submit a written recommendation to the Supervisor.
- Supervisor and Dean/Program Oversight will review recommendation and either approve/disapprove and will forward results to the President for concurrence.
- Selected candidate will be contacted by the HR Director to negotiate salary (based on the CCCC salary scale and budget) and start date.
- Letter of offer will be mailed or provided to candidate from the President.
- The hiring process for CCCC is overseen by the Human Resource Director

### **305 Hiring of Relatives (Nepotism)**

For the purpose of this policy, a relative of an extended Dakota family system is taken into consideration and is defined as a member of the immediate family, including spouse, parents, children, brothers, sisters, brothers and sisters-in-law, fathers and mothers-in-law, stepparents, stepsiblings, stepchildren, foster-children, grandparents, aunts, uncles, nieces, or nephews, and first cousins.

Relatives of persons currently employed by the college may be hired, but will not be under the direct supervision of the relative.

### **306 Orientation**

An orientation will be provided by the HR Director for each new employee with a general review of policies and enrollment in benefit options. Human Resources will provide the employee with the job description for their position and a copy of the policies. The standard acknowledgment and consent forms will be signed by the new employee and will be a part of the employee's personnel file.

The supervisor will review and provide the employee of any required forms necessary to be an employee - i.e. time sheets, travel request forms, purchase order forms - and introductions to appropriate department/division staff.

Human Resources or the supervisor will be available to answer any questions that the employee encounters.

### **307 Chain-of-Command**

*Revision Date: 01/24/2017*

To assure orderly operations and provide the best possible work environment, employees follow the internal chain-of-command:

Employee > Supervisor > Dean/Program Oversight > President

Failure to adhere to the chain of command could lead to disciplinary action.

Any employee, other than the President, wanting to approach the Board of Regents with official College business, must submit the request in writing to the President to be put on the Board agenda. Employees may be invited by the Board to attend or present information and they will be notified by the President, Human Resources Director, or a Dean dependent on circumstances. Failure of the employee to comply with the written permission requirement could result in the termination of the employee.

Approaching the Spirit Lake Tribal Council with College business without written permission from both the President and the Board of Regents could result in immediate termination of an employee from the College.

Occasionally the President must be away from the College. During this absence the President will appoint a "person in charge" of the College. The President will notify the staff by memo as to who is in charge of the campus in his/her absence. The order of precedence is 1<sup>st</sup> Academic Dean, 2<sup>nd</sup> Chief Financial Officer, 3<sup>rd</sup> Dean of Administration or designee.



### **308 Probation**

All employees will serve a probationary period. All new employees are “probationary” status employees during the initial 90-days of employment. During the probationary period new employees are eligible for those benefits that are required by law, such as Workers’ Compensation insurance, state unemployment, and Social Security. New employees will be covered by CCCC health policy immediately. Upon satisfactory completion of the probationary period, employees become eligible for all employer-provided benefits, subject to the terms and conditions of each. The Human Resources Office will clarify the current benefit provisions.

#### Transfers:

Employees who transfer to another position within the college, carries forward 401K, accrued leave, and health benefits. An employee must have completed a 90-day probationary period within their current position, prior to transferring. If employed by a grant program any accrued annual leave will be paid out at the time of transfer.

An employee may be placed on ‘probation’ or have probation extended for a 30, 60, or 90 day period as determined by the supervisor as a component under rules of conduct (section 613) or a disciplinary action (section 614).

### **309 Safety**

*Revision Date: 01/24/2017*

The safety and security of the CCCC campus is overseen by the Facilities Manager, but specifically the CCCC Chief Security Officer.

All entry points throughout CCCC will be locked, except for the entrances located by the Registrar's Office and Student Union and the Valerie Merrick Memorial Library (VMML) which will be opened for normal hours of operation.

All faculty and staff will have access to locked entry points via their employee badge. Faculty, staff, and students who have access to locked entry points are strictly prohibited from letting anyone enter, except in the case of an emergency, which is defined as an unexpected or sudden event that must be dealt with urgently and documented via an Incident Report Form.

Employees that have access to Wakanheza Oti (Sacred Children's Place) should not use their access to allow others to enter the facility. It is permissible for employees to escort a visitor into the center if the visitor needs to see the Director, Assistant Director, or any Instructor that may occupy an office within the center. The employee must escort the visitor to the Director, Assistant Director, or Instructor. If no one is available, the employee must escort the visitor out. The visitor is not allowed to enter the observation booths, classrooms, or kitchen. Under no circumstances is the employee to leave the visitor unattended. Violation of this policy will result in disciplinary action, up to and including termination of employment.

Campus access for weekend or evening events will be coordinated with the Chief Security Officer to assure coverage.

The ID badge must be turned in immediately to the Chief Security Officer if an employee resigns or employment is terminated by CCCC.

All **visitors** must report to the Student Services offices (main entry/receptionist) for a Visitor's Badge and log-in. Logging-in requires time/length and purpose of visit. Visitors will remain in the designated waiting area at the main public entrance, until the applicable staff member or department representative arrives. A visitor who does not have a Visitor's Badge visible or did not sign in will be escorted by a Security Officer to Student Services to sign-in and receive a Visitor's Badge. Badges will be turned in when visitor departs campus.

Maintaining a safe work and study environment for all the students, faculty, and staff is a responsibility of all and the College will make every attempt to assure a safe environment. The College complies with all federal, state, and local safety regulations.

In the event that any person is endangered by another person, Law Enforcement will be called to the scene. Law Enforcement will remove the person/persons causing the disturbance on College property and will provide the College with a full report of the

incident. All faculty and staff complaints or incidents must be directed to the Chief Security Officer. Any student safety complaints must be directed to the Academic Dean, and if appropriate to the Chief Security Supervisor.

## 310 Campus Security

### ID Badge

In order to protect the safety and welfare of students and employees of CCCC and to protect the property of CCCC, all persons on the property under the jurisdiction of CCCC shall be required to visibly wear an ID or Visitor's Badge.

If not wearing an ID or Visitor's Badge the individual will be required to identify themselves upon request of the Safety/Security Officer or any CCCC Employee. A person identifies himself/herself by providing his/her name and complete address; date of birth and by stating truthfully his/her relationship with the College. A person may be asked for some form of identification.

If a person refuses or fails upon request to present evidence of his/her identification and it reasonably appears that the person has no legitimate reason to be on the campus or in the facility, the person will be escorted off the premises of the campus or facility by the Safety/Security Officer or Safety/Security Coordinator.

If such person refuses to be escorted off campus, local law enforcement shall be called to assist. In addition, if the person is a student he/she may be subject to on-campus disciplinary actions.

Each person is responsible for making the workplace a secure environment for everyone. The following security guidelines apply to all employees:

- Keys/ID Badge's given to CCCC Employees may not be duplicated or loaned to anyone. Lost keys/ID Badge's must be reported to the Safety/Security Coordinator immediately.
- Each person is responsible for turning off the lights and equipment, such as fans, heaters, radios, and computers, at his or her individual work area at the end of each workday.
- During working hours, purses, wallets and keys should not be left out in the open where they are easily seen.
- Any employee who notices any unusual condition or office must report this condition to the Safety/Security Coordinator immediately.
- The Safety/Security Office has primary responsibility for building security.

### **311 Children in the Workplace**

*Revision Date: 01/24/2017*

Cankdeska Cikana Community College is sensitive to the needs of working parents and is committed to reasonably accommodate working parents. It is the employee's responsibility to make arrangements for childcare during the workday, however we recognize that there may be unexpected events that disrupt the normal routine.

With the approval of the immediate supervisor, children may be brought to the workplace by parent employees/guardians for brief visits, in the event of an emergency, or other times when there are no other alternatives (e.g., unplanned early dismissal from school, or child care provider suddenly unavailable).

Such arrangements are only temporary and may be granted only under the following:

- The parent/guardian employee must supervise the child (ren) at all times.
- The child (ren) should never be left unattended or with other employees.
- Under no circumstances should a child with an illness that prevents him/her from being accepted by a regular child care provider or from attending school be brought into the workplace.

Although the college strives to be a family-friendly environment, it must be recognized that it is not appropriate to bring children to work for the following reasons:

- Safety is the primary concern when considering the presence of children on campus. Children in the workplace create a potential liability for the department and the College.

Children in the workplace can disrupt the environment for the employee, co-workers, and others in the area. It creates an atmosphere that is not conducive to work performance and fulfillment of job expectations.

## **401 Employment Classification**

The following terms are used to describe employees and their employment status:

**Exempt Employees** – Employees whose positions meet specific tests established by the Federal Labor Standards Act (“FLSA”) and North Dakota state law. In general, exempt employees are those engaged in executive, managerial, high-level administrative and professional jobs that are paid a fixed salary and perform certain duties. In addition, certain commissioned sales employees and highly paid computer professionals are exempt. Exempt employees are not subject to the minimum wage and overtime laws.

**Nonexempt Employees** – Employees whose positions do not meet specific tests established by the FLSA and North Dakota state law. All employees who are covered by the federal or state minimum wage and overtime laws are considered nonexempt. Employees working in nonexempt jobs are entitled to be paid at least the minimum wage per hour and a premium for overtime.

## 402 Employment Categories

**FULL-TIME STAFF (Includes 12 month instructors):** Employees who are not in a temporary or probationary status and who are regularly scheduled to work the organizations full-time schedule (40 hours per week). Generally, they are eligible for the employer's full-time benefit package, subject to the terms, conditions, and limitations of each benefit program. Full time employees may be funded from grants and other funding sources. Full time employees hired for a specific grant will be paid from that grant and are limited to employment for the duration of the grant.

**FULL-TIME FACULTY (Includes 9 month instructors):** Employees who are eligible for the employee's full benefit package, subject to the terms, conditions, and limitations of each benefit program, with the exception that they are not eligible for annual leave. In lieu of that annual leave benefit, these employees receive three paid personal leave days per nine-month academic year. Employees will not receive pay for any unused personal leave days each year.

**PART-TIME:** Employees who are scheduled to work less than a full time schedule. They receive all legally mandated benefits such as Workers' Compensation and Social Security Benefit programs.

**TEMPORARY:** Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited and definite duration. Employment beyond any initially stated period does not in any way imply a change of employment status. "Temporary" employees retain that status until notified, in writing, of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are not eligible for any of the employer's other benefit programs.

**TEMPORARY STUDENT EMPLOYEE:** This classification is for CCCC students hired to assist departments funded from College Work Study or other sources. These employees receive all legally mandated benefits such as Workers' Compensation and Social Security Benefit programs. These appointments are temporary based on need and availability of funds and are limited to their college enrollment period.

### **403 Access to Personnel Files**

Personnel files are the property of Cankdeska Cikana Community College and access to the file or information contained in the file is restricted. With reasonable advance notice, an employee may review material in his/her file but only in the Human Resource Office in the presence of the HR Director. No documents may be removed from the personnel file. Any release of information from the personnel file must first have the written permission from the employee.



#### **404 Personnel Data Changes**

It is the responsibility of each employee to promptly (within 10 working days) notify Cankdeska Cikana Community College of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status information should be accurate and current and provided to the College by the employee. Cankdeska Cikana Community College has the right to rely on the last mailing address furnished by an employee for any communications unless otherwise specifically provided.

## **501 Salary Scale**

Employee salary is determined by the CCCC Salary Scale established by the Board of Regents.

## **502 Performance Evaluation**

All employees will be evaluated annually. New employees are evaluated at the end of the 90-day probationary period and again at the end of the first year of employment. Supervisors are responsible to conduct performance evaluations and to submit signed copies for the employee's personnel file.

## **503 Break Period**

Each workday, full-time employees are provided with two 15-minute break periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted break period. It is the responsibility of supervisors to see that break periods are not abused and for employees to be respectful of this benefit. Breaks should not interfere with adequate office coverage. The work day may not be shortened, nor lunch hour lengthened, by skipping a break period. Lunch break is for 30-minutes.

## 504 Timekeeping

Federal and state laws require Cankdeska Cikana Community College to keep an accurate record of time worked in order to calculate employee pay and benefits.

- Employee completes weekly timesheet
- Approved by supervisor
- Submitted to payroll

## **505 Overtime**

Nonexempt employees will be paid in accordance with federal and North Dakota state law.

In North Dakota, with some exceptions, the standard work week for employees should not exceed 40 hours per week. Should the College find it necessary to employ an employee in excess of this standard, overtime hours shall be compensated at the rate of one and one-half times the regular rate of pay.

All overtime work by non-exempt employees must be authorized in advance by the College President. Only hours actually worked will be used to calculate overtime pay.

## **506 Paydays**

All employees are paid every week on Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Paychecks are released only to the employee unless a written authorization, signed by the employee, is provided.

## **507 Pay Advances**

*Revision Date: 01/24/2017*

### Pay advance:

1. Advances of salary will be given when an employee has a death in the immediate family (as defined in bereavement leave). Salary advances shall be limited to the total wages earned for the current pay period and shall be limited to the total time worked and/or leave accumulated at the time of the salary advance request. The balance of earned but non-advance salary shall be tendered on the next payroll. (Early check fee of \$25.00 applies to pay advance)

### Early Check:

1. An employee needing an early check, may do so, by completing and signing early check form, and paying a \$25.00 service charge. (To be deducted from next check)
2. If an employee' is taking approved leave, the employee may receive his/her check the day prior to leave, if a written request is submitted at least one week prior to departing.

Paychecks will be distributed by the Business Office and released only to the employee unless a written authorization, signed by the employee, is provided.



## **508 Direct Deposit**

All employees are encouraged, but not required, to use direct deposit and have their paychecks deposited into a bank account of an accredited participating bank or credit union. Employees are required to complete the direct deposit form and attach appropriate documentation.

The employee's paycheck is deposited and funds are available every week on Wednesday. Employees who utilize direct deposit are unable to receive early paychecks.

## **509 Administrative Pay Corrections**

If there is an error in the amount of pay, the employee will promptly bring the discrepancy to the attention of the payroll clerk so that adjustments/corrections can be made as soon as possible.

## **510 Pay Deductions and Setoffs**

*Revision Date: 01/24/2017*

The law requires that Cankdeska Cikana Community College make certain deductions from every employee's earnings, among these are applicable federal, state, and local income taxes. The College also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base". The College matches the amount of Social Security taxes paid by each employee.

The College offers programs and benefits beyond those required by law. Employees who wish to participate in these programs may voluntarily authorize deductions from their checks. The Business Office will assist in explaining these programs.

For optional employee deductions, the cost will be \$3.00 per deduction, per pay period. This is depending on whether or not there are any open deduction codes.

Cankdeska Cikana Community College Employees will check with the Business Office at the beginning of employment and annually to ensure they are not in debt to CCCC.

## **511 Wage Garnishment**

A garnishment is a court order requiring an employee to remit part of an employee's wages to a third party to satisfy a just debt. Once the college receives the legal papers ordering garnishment, we are required by law to continue making deductions from your paycheck until the debt is satisfied or until documentation is received from the third party, and/or legal papers from the court to stop the garnishment. Even if you have already paid the debt, sufficient documentation and/or legal papers are required to stop the garnishment.

## **601 Work Schedule**

The normal work schedule is defined as an eight (8) hour day and a forty (40) hour week but may vary dependent on job responsibilities. All employees perform their regularly scheduled and assigned duties on campus and not at home, unless specified in writing to the contrary.

## **602 Attendance**

Punctuality and attendance are essential to the success of the college's daily operations and business. If an employee is unable to report to work (or to report to work on time) for any reason, the employee must notify his/her immediate supervisor prior to their scheduled shift. If an employee desires to leave work for any reason during the workday, the employee must obtain the approval of his/her immediate supervisor prior to leaving.

In the event that the employee fails to call his or her immediate supervisor or report for work for three (3) consecutive workdays, the employee will be terminated. Excessive absenteeism or tardiness may subject the employee to disciplinary action, up to and including termination.

## **603 Outside Employment**

An employee may hold a position with another organization as long as he/she satisfactorily performs his/her job responsibilities with Cankdeska Cikana Community College and within College work hours.

## **604 Dress Code/Appearance**

*Revision Date: 05/28/2015*

Appearance and dress will be in keeping with the job being performed, both for safety reasons and to reflect a positive image of the College. Employees must present a well-groomed look and style which is consistent with a professional business environment. Clothing must be neat, non-wrinkled, clean, and in good repair at all times. Shorts, tank tops, and flip flop sandals are prohibited with the exception of the Athletic Department and sporting events.

Good personal hygiene is always important, not only for the sake of our students and guests, but also out of respect for your fellow employees. Inappropriate dress or accessories, or poor personal hygiene which is offensive to others (including the display of hickies), will be addressed by the immediate supervisor and Human Resources Director. A staff member in violation of the dress code, appearance, and/or personal hygiene will be sent home immediately to change or remedy the situation.



## **605 Confidentiality**

In the course of your employment you may come in contact with or have access to confidential information, such as personal identifying information or proprietary institutional information. Such information is strictly confidential and must not be used or divulged (directly or indirectly) by any employee, either during or after employment with Cankdeska Cikana Community College. A breach of confidentiality is grounds for termination.

As a condition of employment with the college, all employees are required sign the General Confidentiality Agreement form. (Upon hire and annually)

## **606 Gossip**

CCCC does not tolerate negative and malicious gossiping. Gossiping is unacceptable professional behavior, and can create an uncomfortable atmosphere for not only the person the gossip is about, but for everyone in the workplace. Gossip is defined as passing along information that is not relevant to anyone doing their job effectively or one's professional relationship with their co-workers. Employees who participate in gossip that is negative, malicious, or disrupts the work place and the business of work will be subject to progressive corrective and disciplinary action up to and including termination.

## **607 Smoking**

Cankdeska Cikana Community College is a smoke-free facility. Smoking is allowed outdoors in designated area only and must be at a minimum, twenty-five (25) feet from the campus facilities.

## **608 Cellular Phone Usage**

The use of personal cell phones is prohibited during the normal work schedule. Violation is subject to disciplinary action.

## **609 Use of Phone and Mail Systems**

The phone and mail services are for business purposes only. No personal, long distance phone calls are permitted. The use of college paid postage for personal correspondence is not permitted.

## 610 Internet Usage

Cankdeska Cikana Community College encourages the use of the Internet and e-mail as a means to make business and communication more effective and efficient. This policy applies to employees and non-employees to whom CCCC has granted access to its electronic mail (e-mail) and Internet system. This policy provides guidelines for the access and use of the CCCC e-mail and Internet system. Irresponsible use of these resources is prohibited as it reduces availability for critical business operations, compromises security and network integrity, and leaves the College open to potential litigation.

To ensure that all employees understand their responsibilities, the following guidelines have been established for using Cankdeska Cikana Community College e-mail and Internet access.

Employees are responsible for using the Internet and E-mail resources appropriately. Use that is judged excessive, wasteful, or unauthorized may result in denial of access to E-mail and Internet and may subject the user to appropriate disciplinary (including termination) and legal procedures.

### Access:

- Employees: E-mail and Internet access will be granted to all full and part time employees who have been authorized by the College to use the e-mail and Internet system.
- Students: E-mail and Internet access will be granted to all full and part time students.
- Non-Employees: In appropriate circumstances, independent contractors or other non-employees with whom Cankdeska Cikana Community College has a business relationship, may be given e-mail access, provided that such access has been approved in writing by the College administration and provided that such third party has agreed in writing to the terms of this policy.

Every staff member has the responsibility to maintain and enhance the College's public image and to use the College's e-mail and access to the Internet in a responsible and productive manner that reflects well on the College. Cankdeska Cikana Community College does not guarantee the privacy of e-mail contents. The College may, at its sole discretion, access and monitor e-mail content at any time. By placing or receiving information on the College's e-mail system, users of the system consent to the College's right to access and monitor e-mail contents and to the College's right to read, print, edit, copy, republish, distribute, disclose or delete e-mail contents and/or account.

E-mail and Internet may not be used as follows:

- Transmitting, retrieving, or storage of any communications of a discriminatory or harassing nature or materials that are obscene, sexually explicit, or “X rated”.
- Harassment of any kind is prohibited.
- No messages with derogatory or inflammatory remarks about an individual’s race, age, disability, religion, national origin, physical attributes, or sexual preference shall be transmitted.
- No excessively abusive, profane, or offensive language is to be transmitted through the Colleges e-mail or Internet system.
- For unlawful purposes, including activities that violate copyright laws, license agreements for other contractual obligations.
- For solicitation purposes (whether for College or non-College business) or frivolous activities (including so-called “chain mail”) or any use of Cankdeska Cikana Community College e-mail or Internet for personal gain, is prohibited.
- To obtain access to third party files or communications without authorization and a legitimate College purpose.
- For operation of a non-College business.
- No employee (faculty/staff/student) of CCCC will make any unauthorized copies of any software under any circumstances. Anyone found unlawfully copying or installing software is subject to institutional disciplinary policies and may be subject to civil and criminal penalties including fines and imprisonment.
- No employee (faculty/staff/student) shall give software to any non-College employee, including clients, customers and others.
- Any employee (faculty/staff/student) who determines that there may be a misuse of software or computer usage within their department shall notify their supervisor. In case of misuse by a supervisor, the employee shall report the incident to a Dean/Program Oversight or the President.
- Electronic media also may not be used for any other purpose that is illegal or against Cankdeska Cikana Community College policy or contrary to the College’s best interests.

Each employee is responsible for the content of all text, audio, or images that he/she places or sends over the Cankdeska Cikana Community College E-mail or Internet system. No E-mail or other electronic communications may be sent that hides the identity of the sender or represents the sender as someone else. Any messages or information sent by an employee to another individual outside the College through E-mail or Internet are statements that reflect on the College. While some users include personal “disclaimers” in electronic messages, there is still a connection to the College, and the statements may legally be tied to Cankdeska Cikana Community College. Therefore, the College requires that all communications sent by Cankdeska Cikana Community College E-mail and Internet system comply with all CCCC policies and do not disclose any confidential or proprietary CCCC information.

### Software

To prevent computer viruses from being transmitted through the College's E-mail and Internet system, there will be no downloading of any software from the Internet unless it has been pre-approved by the Dean of Administration. For purposes of this policy, software can be defined as anything widely available on the Internet, which *does not* help fulfill obligations as an employee of the College (i.e. chat programs, music download programs, games and the like).

Users should bear in mind that E-mail from outside or unfamiliar sources may also contain computer viruses. Users should use appropriate caution for screening such communications in order to avoid such viruses. Additionally, employees will from time to time be advised of the availability of updated virus signatures and will be provided with a link to the location of these signature updates. *Employees are responsible for applying these virus signature updates to their desktops. Failure to do so will result in the suspension of E-mail and Internet privileges.*

### Copyright Issues

Employees on the Cankdeska Cikana Community College's E-mail and Internet system may not transmit copyrighted materials belonging to entities other than Cankdeska Cikana Community College. Note that non-adherence to this policy puts the College in serious legal jeopardy and opens the College up to significant lawsuits and public embarrassment. All employees obtaining access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, except with permission. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

### Security

Cankdeska Cikana Community College reserves the right to monitor all Internet and E-mail transactions at any time in the future with or without notice. All messages created, sent, or retrieved over the CCCC E-mail or Internet connections are the property of Cankdeska Cikana Community College and should be considered public information. Employees should not assume electronic communications are totally private and should transmit highly confidential data in other ways. E-mail messages regarding sensitive matters should warn that such communications are not intended to be secure or confidential. This is just good business sense. Any employee who abuses the privilege of Cankdeska Cikana Community College facilitated access to E-mail or the Internet will be subject to disciplinary action up to and including termination. If necessary, Cankdeska Cikana Community College reserves the right to advise appropriate legal officials of any illegal violations. Internet and E-mail access will not be granted until the individual's manager signs the acknowledgement form. After completion, this form is filed in the individual's personnel file, or in a folder specifically dedicated to Internet access (for contract workers, etc.), and maintained by the IT department. These acknowledgement forms are subject to internal audit.



### **Storage, Retention and Deletion**

E-mail contents should be periodically deleted by users or saved by printing filing hard copies of such contents. E-mail content in those folders listed below shall be deleted as follows:

- “Inbox”: End of Semester
- “Sent Items”: End of Semester
- “Outbox”: End of Semester
- “Deleted Items”: End of Semester
- Other Folders: Annually

Notwithstanding the foregoing, users should be aware that E-mail contents which have been deleted by the user or which have not been saved by the user may remain stored on College backup media for a period of time and may be accessed by the College during such time.

User should comply with all applicable College document retention procedures by printing and saving hard copies of those E-mail contents to which the College retention policies apply.

## **611 Social Media Policy**

*Effective Date: 06/23/2016*

As an educational institution, Cankdeska Cikana Community College is committed to utilizing social media to market its profile, to listen and respond to customer opinions and feedback, and to enhance the recruitment and retention of college students.

Social media refers to the use of web-based and mobile applications for social interaction and the exchange of user-generated content. Social media channels can include, but are not limited to: Facebook, Twitter, LinkedIn, YouTube, blogs, review sites, forums, online communities and any similar online platforms.

Employees may not disclose private or confidential information about the College, its employees, clients, suppliers or customers on social networks or any other methods, including gossiping. Any employee who believes that there may be inappropriate postings on social media shall notify their supervisor. Content deemed disrespectful, dishonest, offensive, harassing or damaging to the College's interests and reputation or to another employee, student, or clients of a college program are not permitted.

The use of social media on company time for personal purposes is not allowed. The College maintains the right to monitor company-related employee activity (in social media networks) when using CCCC equipment or systems. Violation of policy is grounds for disciplinary action, including termination.

## **612 Solicitation**

Employees may not circulate petitions, nor solicit or distribute literature or use college email, concerning outside activities or events during working time. (i.e. external fundraising and events). Failure to adhere to this policy will result in disciplinary action.

## 613 Use of Equipment and Vehicles

When using college property, employees are expected to exercise care and follow all operating instructions, safety standards, and guidelines.

Employee will notify their supervisor immediately if any equipment, machines, tools, or vehicles are damaged, defective, or in need of repairs. Failure to notify the supervisor may result in the employee being financially responsible for the damage to the property while in his/her use and may also incur disciplinary action, dependent on circumstances.

An employee using College vehicles must comply with the institution's requirements and regulations for equipment and vehicle use, in addition to all applicable state, tribal or federal laws. The employee must have a valid driver's license. A copy of the driver's license must be attached to the request/travel form.

### Van Usage Procedures:

- All van usage will be coordinated through the Facilities Manager.
- A valid driver's license must be presented to obtain the keys from the Facilities Manager.
- The beginning and ending odometer readings will be recorded in the log received from the Facilities Manager with the keys. Any maintenance issues will also be recorded in the log. If any damage occurs, an incident report is to be filed immediately. The driver will sign and date the entries.
- No smoking is allowed in the van or other college vehicles.
- The van should be filled with gas at a local gas station before returning to the college. The gas may be charged and the receipt returned to the Facilities Manager.
- The van must be cleaned before it is returned.
- The van will be parked in the shop when returned.
- The keys must be returned to the Facilities Manager the next work day.
- Prior arrangements must be made with the Facilities Manager if the van will return after the college is closed. If an unexpected delay occurs and prior arrangements have not been made, the driver will park the van in front of the college, take the keys home, and return them to the Facilities Manager by 8:00 am the following business day.

## 614 Code of Conduct

The college expects all employees to follow rules of conduct that will protect the interests and safety of all employees and the College. It is not possible to list all the forms of behavior that are considered unacceptable in the work place, but the following are *examples* of infractions of Rules of Conduct that may result in disciplinary action, demotion, or termination of employment:

- Theft or inappropriate removal of possession of property or equipment.
- Falsification of timesheet, payroll, or payables records.
- Working under the influence of alcohol legal or illegal drugs.
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place, while on duty, or while operating employer-owned vehicles or equipment.
- Receiving a DUI citation while using College vehicles.
- Fighting or threatening violence in the work place.
- Boisterous or disruptive activity in the work place.
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property.
- Insubordination, i.e. disobeying a direct order for job performance or other disrespectful conduct.
- Violation of safety or health rules.
- Sexual or other unlawful harassment.
- Possession of dangerous or unauthorized materials, such as explosives or firearms in the work place.
- Excessive absenteeism.
- Unauthorized disclosure of confidential information.
- Any malicious or deliberate attempt to sabotage the computer network system (a felony punishable under federal law).
- Failure to perform or fulfill job duties/responsibilities.

It is expected that each individual conduct him/herself professionally at all times to reflect positively on duties performed and the College.

## **615 Disciplinary Action**

*Revision Date: 05/28/2015*

The following types of disciplinary action will be utilized, as necessary, in enforcing CCCC personnel policies. The action imposed is dependent on the circumstances of each case. The frequency and/or severity of misconduct will determine the level of disciplinary action, except where the severity of the offense merits immediate dismissal.

Types of Action:

### VERBAL WARNING

When an employee violates the work rules and code of conduct, the supervisor will issue a verbal warning to the employee. The supervisor will document, in the employee's file, that a verbal warning was conducted with the employee.

### WRITTEN WARNING

The supervisor shall meet with the employee to discuss the reason for the written warning and suggest corrective action.

### THREE DAY SUSPENSION

The immediate supervisor may choose to suspend an employee without pay for three (3) working days. Failure to address the concern will result in termination. The suspension may be appealed through the grievance process. The suspension will not be served by the employee until a decision is rendered on the appeal.

### TERMINATION

Employees may be terminated if one of the following major infractions has occurred:

- Theft or willful misuse or abuse of property.
- Insubordination – i.e. disobeying a direct order for performance; failure to follow chain of command.
- Failure to meet, or fulfill the required job duties/functions.
- Disrespectful behavior.
- Verbal or physical abuse.
- Absenteeism or tardiness (Three consecutive workdays without notice).
- Misappropriation or willful falsification of records.
- Falsifying one's time record, the time record of another staff member, or soliciting such conduct.
- Intoxication, consumption of alcoholic beverages, use of drugs or narcotics while on the job.
- Concealing, removing, mutilating, obliterating, changing or destroying any records or documents.
- Harassment or intimidation.
- Threatening and/or committing physical violence against another person while on duty.
- Refusing drug test, or altering specimen. (See Policy 210 Drug and Alcohol Use)
- Use of obscene, abusive, or threatening language.

- Walking off the job without supervisor permission.
- Sleeping on the job.
- Abuse of an employee's authority to represent the College.

All disciplinary actions will be documented with confidentially maintained in the employee personnel file. The Human Resources office will provide a copy of the Employee Disciplinary Report Form to the employee. Disciplinary action(s) are undisputable; therefore, employees cannot appeal a disciplinary action, except for termination.

## 616 Employment Termination

### A. **TERMINATION** - employment discharge initiated by the College.

1. Without cause while on probation.
2. With cause as documented in the employee personnel file.
3. Re-Hire Policy:
  - If an employee has been terminated for any reason he/she will be eligible to reapply for employment after a waiting period of six (6) months dependent upon circumstances of termination.

### B. **LAYOFF** - involuntary employment termination initiated by the College for non-disciplinary reasons, i.e. lack of funds.

**C. RETIREMENT** - voluntary retirement from active employment status initiated by the employee. Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. (Cankdeska Cikana Community College does not award severance pay.) Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

### D. **RESIGNATION** - voluntary act initiated by the employee to terminate employment with Cankdeska Cikana Community College.

- Any employee wishing to leave employment with the College in good standing shall file a *two-week written notice* to the immediate supervisor stating reasons for leaving and provide a forwarding address, if relocating.
- An "Exit Checklist" will be conducted by the supervisor prior to the employee's leaving, and the final paycheck being disbursed.

Employees, who separate from College employment, shall receive payment for all earned salary and accrued annual leave subject to normal payroll deductions and deductions for any debt owed to CCCC.



## **617 Return of Property**

Employees are responsible for all property, materials, or written information issued them or in their possession or control. All property, including building keys, must be returned by employee on or before their last day of work in order to receive final paycheck.

Should any property be damaged upon return, the value of the property will be deducted from the final paycheck. If property value exceeds final paycheck amount, restitution will be sought through court.

## **701 Grievance Procedure**

*Revision Date: 06/05/2019*

Employees have the right to a formal appeal process when he/she feels there is an unfair working condition or action. Employees may appeal a decision to terminate or change their employment status. However, some circumstances of termination cannot be grieved. The following procedures will be utilized to address an employee grievance:

(Failure to comply with the procedures will result in a decision that the grievance will be null and void. No additional grievance will be heard in this case.)

1. The employee must state the grievance in writing to the supervisor within five business days of the incident. The supervisor will make every attempt to resolve the grievance with the employee, within five business days of the written notice.
2. If the employee is not satisfied with the results or decision that was reached with the supervisor, the employee will take the matter up with the appropriate Dean/Program Oversight, in writing within three business days. The Dean/Program Oversight will review the employee grievance and render a decision within three business days of the written notice.
3. If the employee is dissatisfied with the decision rendered by the Dean/Program Oversight, it may be appealed to the President in writing within three business days. The President will consult with the employee, the supervisor, and others concerned with the case in order to resolve the case within three business days. The President will render a decision within three business days from the date the charge is brought to the President's attention.
4. If an employee is dissatisfied with the President's decision, the employee may make a request in writing within three business days to the Chairperson of the Board of Regents and providing a copy to the President. A hearing with the Board concerning the employee grievance will be held at the next regularly scheduled meeting but in an 'executive' session. If the Board of Regents chooses to hear the employee's grievance, the Chairperson of the Board will appoint a committee of two Board members and the President to hear the case. The committee will make a recommendation to the Board of Regents. Board of Regents members will vote on the decision/action to remedy the grievance. The decision of the Board of Regents is final.

## **702 Unlawful Harassment and Discrimination**

*Revision Date: 05/28/2015*

Cankdeska Cikana Community College (CCCC) is committed to providing a work environment free of sexual or any form of unlawful harassment or discrimination. CCCC does not discriminate in educational programs, activities, or employment practices, based on race, color, national origin, gender, sexual orientation, disability, age, religion, ancestry, or any other legally protected classification. Announcement of this policy is in accordance with Federal Law, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990.

CCCC will not tolerate verbal or physical conduct by an employee which harasses, disrupts, or interferes with another's work performance.

Prohibited harassment or discrimination includes any verbal, physical, or visual conduct based on sex, race, age, national origin, disability, or any other legal protected basis if:

- a. Explicitly or implicitly making submission to the conduct, a term or condition of an individual's employment;
- b. Using submission or rejection of such conduct as a basis for decisions concerning that individual's employment; or
- c. The conduct substantially interferes with the individual's work performance or creates an intimidating, hostile, or offensive work environment.

Prohibited harassment includes unwelcome sexual advances, sexual flirtations, request for sexual favors and lewd, degrading, vulgar or obscene remarks, offensive comments and jokes, posters or cartoons, and any unwelcome touching, pinching, or other physical contact. Other forms of unlawful harassment or discrimination may include racial epithets, slurs, and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status, or other legally protected categories.

CCCC is opposed to harassing conduct in the workplace or elsewhere, whether committed by supervisory or non-supervisory personnel or students. Personal, sexual, or intimate relationships among a staff member (including a faculty member) and a student, where the staff member or faculty member is in a position of authority over the student, such as, but not limited to the relationship among an instructor and a student, administration official and a student, or security guard and a student are strictly prohibited. This conduct is considered "fraternization" and is strictly prohibited even if consensual, unless the parties involved are married or involved in an intimate relationship prior to the staff or faculty member assuming a position of authority over the student.

## 703 Harassment or Discrimination Procedure

Revision Date: 01/24/2017

The following steps are to be used in the event a student or employee wishes to file a discrimination or harassment complaint related to an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic. Employees and students of the Cankdeska Cikana Community College are required to utilize the internal process prior to utilizing external sources for remediation. Failure to comply could result in disciplinary action.

1. Any employee or student who believes that the actions or words of any employee, faculty, student or fellow employee constitute unwelcome discrimination or harassment must complete the Discrimination Complaint Form and submit to the appropriate CCCC official listed immediately. Forms are available at the Human Resource Office, Student Services, and/or the Title IX/Section 504/ADA Coordinator.

If the alleged harasser is:

- a) Student or student group
- b) Faculty member
- c) Dean/Program Oversight
- d) Staff member
- e) Human Resource Director
- f) Other (e.g. vendor or guests)
- g) President

Notify:

- Academic Dean
- Academic Dean
- President
- Human Resource Director
- President
- Human Resource Director
- Board of Regents

2. Upon receipt of an allegation of discrimination or harassment, a Compliance Committee of three members will be appointed by the President will begin a thorough investigation of the allegation within 5 working days. The investigation will include conducting of interviews and/or the obtaining of statements and supporting documents from both parties to ensure a clear understanding of the event has been achieved. The investigation must be completed within 10 business days from the date the investigation begins. Contact the HR Office for the Employee Harassment Complaint Investigation/Determination Checklist form.
3. The Compliance Committee will submit a written report of the findings to the College President and notify the complainant and alleged harasser within five working days after completion of the report.
4. ENFORCEMENT: Upon completion of its investigation the Compliance Committee will submit a written report with recommendations to the College President. Any employee, who is found, after appropriate investigation, to have engaged in harassment of another employee or student, will be subject to appropriate disciplinary action and may be subject to immediate termination or expulsion.
5. GRIEVANCE: If the employee or student disagrees or is not satisfied with the decision or results of the Compliance Committee, the employee or student must submit their grievance in writing to the Board of Regents and providing a copy to the President within five business days from the date he/she is notified of the finding(s). A copy will be made for the other parties involved. The Board of Regents will hear the grievance and obtain statements from all parties involved. The Board will vote on the decision/action to remedy the grievance within five business days of the hearing.

What is NOT Harassment? It should be noted that ordinary teasing, offhand comments, or isolated non-serious incidents are not prohibited under federal law. Harassing behavior must be sufficiently frequent or severe to 1) create a hostile work environment, or 2) result in hiring, firing, promotion, demotion, or an undesirable work reassignment. A decision causing a significant change in benefits or compensation also might be interpreted as harassment.

#### Retaliation Prohibited

CCCC prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of harassment will not reflect negatively on the employee who initiates the complaint nor will it affect the employee's job assignment, status, rights, privileges, or benefits.

Questions or inquiries can be made to:

*Title IX Coordinator/Section 504/ADA Coordinator*  
701-766-1124

*Office of Civil Rights*  
*US Department of Education*  
*500 W. Madison Street Suite 1475*  
*Chicago, IL 60661*

*CCCC Human Resources, Director*  
701-766-1333

*CCCC Academic Dean*  
701-766-1309

## **801 Employee Benefits**

Aside from those benefits required by state and federal regulations, Cankdeska Cikana Community College also offers additional benefits for its full-time employees. From time to time, benefits may be added or deleted from the benefits package. The college reserves the right to make such changes.

This handbook does not contain the complete terms and/or conditions of any of the college's current benefit plans. It is intended only to provide general explanations. For information regarding employee benefits and services, employees should contact Human Resources.

## **802 Group Health Insurance**

*Revision Date: 01/24/2017*

Cankdeska Cikana Community College offers a group health plan for eligible employees. The college's group health insurance plan is offered through Auxiant Health. The insurance plans for both dental and vision are offered through Blue Cross Blue Shield (BCBS) of North Dakota. Full-time employees are eligible for single health, dental, and vision coverage. For more information, refer to the College's Summary Plan Description booklets for complete details and benefits.

## **803 Group Life Insurance**

CCCC offers a basic life insurance plan for eligible employees, including accidental death and dismemberment coverage. The college's life insurance plan is offered through Unum. For more information, regarding employee benefits and services, employees should contact the Human Resources Office.



## **804 Spirit Lake Tribe 401(k) Plan**

CCCC participates in the Spirit Lake Tribe 401(k) Plan and offers eligible employees a convenient payroll deductible method to help supplement employees' retirement benefits and provide a long term opportunity to accumulate savings. The college matches up to five (5%) percent of your contribution to your retirement plan. Employees are encouraged to contribute to their 401K Plan, but are not required. For more information regarding the Spirit Lake Tribe 401(k) Plan, please refer to the Summary Plan Description.

## **805 Employer Profit-Sharing**

CCCC offers a profit-sharing contribution for eligible full-time employees investing in a 401(k) Retirement Plan. Eligible employees will automatically receive three (3%) percent of their weekly gross wages as an Employer Profit Sharing contribution. For information regarding employee benefits and services, employees should contact Human Resources.

## **806 Flexible Spending Account (FSA)**

Under Section 125 of the IRS Code, the College offers a flexible spending account through Discovery Benefits for employees who wish to take advantage of this provision. This plan allows employees to withhold a portion of their salary on a pre-tax basis to cover the cost of qualifying insurance premiums, out of pocket medical expenses and dependent child care expenses, such as day care expenses. An amount selected by the employee is deducted on a pre-tax basis to cover these expenses. Any unused amounts in the medical and dependent care account can be transferred to the next plan year.

## **807 COBRA**

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986, if you are covered under the College's group health insurance plan(s) you are entitled to continue your coverage in the event that your employment with the college ends. Under COBRA, the college must offer each qualified beneficiary (the employee and any covered dependents) who would otherwise lose coverage under the plan as a result of a qualifying event an opportunity to continue their insurance coverage. A qualifying event is defined as termination of employment, a reduction in the number of hours of employment, death of covered employee, divorce or legal separation, a dependent child ceases to be dependent, eligibility of the covered employee for Medicare, or an employer's bankruptcy.

## **808 Workers' Compensation Insurance**

Cankdeska Cikana Community College provides a comprehensive Worker Compensation insurance program at no cost to employees. This program covers any injury sustained in the course of employment, as defined by law, that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers' Compensation insurance provides benefits after a short waiting period for illness or, if the employee is hospitalized, immediately.

Any employee who sustains a work-related injury, as defined by law, must inform his/her supervisor immediately, in written form. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. It is the employee's responsibility to file a Worker's Compensation claim with the Human Resource Office. Regulations are posted in the Human Resource Office.

## **809 Social Security Benefits (FICA)**

During your employment, both you and the college contribute funds to the Federal government to support the Social Security Program. This program is intended to provide you with retirement benefit payments and medical coverage once you reach retirement age.

## **810 Unemployment Insurance**

The College pays a state and federal tax to provide employees with unemployment insurance coverage in the event they become unemployed through no fault of their own or due to circumstances described by law. This insurance is administered by applicable state agencies, who determine eligibility for benefits, the amount of benefits (if any), and duration of benefits.

## **811 On Campus Educational Leave**

Full time employees who have completed 90 days of service in an eligible employment classification may request paid educational leave for a period of six hours per week to take courses offered by CCCC and/or to obtain a degree. Tuition and fees at CCCC for six credit hours will be waived only if the employee completes the course with C or better.

The employee's course of study must be for college credits and must complement the employee's work responsibilities at the College. Requests, in writing, to the employee's immediate supervisor will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

A supervisor's approval in writing is required before an employee is allowed to register for classes at the College. A copy of the approval will go in the employee's personnel file. Official transcripts must be submitted at the end of each term. Employees participating in this program will be expected to maintain satisfactory academic progress and report changes in their program to their immediate supervisor.

1. Employees will sign a payroll deduction form in the event they do not complete the course or should they receive a grade lower than a C.
2. Employees will become ineligible to participate in this program for period of one (1) semester should they receive a grade lower than a D.
3. If the employee has a work-related grievance pertaining to attending classes, the employment grievance process will be used.
4. If the employee, in his/her role as student, has a grievance concerning the academic program, student status, grades, classroom concerns, or related instructional problems, then the guidelines set forth in the Student Handbook will be followed.

Full time CCCC employees are not eligible to vote in CCCC student elections.



## **812 Off Campus Educational Leave**

*Revision Date: 04/19/2017*

Full time employees who have completed one year of service in an eligible employment classification may request paid educational leave, up to six hours per week. The study must be for college credit and complement the employee's work responsibilities at the College.

Requests, in writing, to an employee's immediate supervisor, will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the period of absence and respective program guidelines.

A supervisor's approval in writing is required before an employee is allowed to utilize the educational leave benefit. A copy of the approval will go in the employee's personnel file. Official transcripts must be submitted at the end of each term, with the understanding that the employee will maintain satisfactory progress. Any changes in their program of study must be approved by supervisor prior to implementation and for continued education leave benefit.

The College wishes to retain faculty and staff, and thus offers an educational assistance agreement for faculty/staff professional development to pursue and/or earn higher education degree(s) or certification. The employee, supervisor, and College President will sign the educational agreement. The signed agreement will be kept in the Human Resources Office and a copy will be given to the employee. Under this agreement, the "employee" and "college" agree as follows:

- Employee has been accepted and will attend a North Dakota Institution of Higher Education.
- Employee has applied for financial aid.
- The College will pay for tuition, fees, and/or books for employee, as long as funding is available.

The employee agrees to:

- Work for a period of two calendar years for each calendar year spent on educational assistance (2 for 1).
- Submit to the College, at the end of each term, an official transcript.
- Maintain satisfactory academic progress and be in good academic standing at the institution attended.
- If appropriate, accept assignment to a new or different position and location as determined.

## **901 Holidays** (Effective for calendar year 2015)

Official College holidays include:

- New Year's Eve - Dec 31
- New Year's Day - Jan 1
- Martin Luther King Day - third Monday in January
- Presidents' Day - third Monday in February
- Good Friday
- Easter Monday
- Memorial Day - last Monday in May
- Independence Day - July 4
- Labor Day - first Monday in September
- Tribal College Founders Day - Monday following UTTC pow wow Sept
- Veterans Day - Nov 11
- Thanksgiving Day - last Thursday in November
- Thanksgiving Friday - only if employee donates 5 items for food bank
- Christmas Eve - Dec 24
- Christmas Day - Dec 25
- Birthday [Employee may have 1 day off during birthday month as approved by supervisor]

To be eligible for holiday pay employees must be on a paid status prior to the start of the holiday period and immediately after the holiday period.

A recognized holiday that falls on a Saturday may be observed on the preceding Friday. A recognized holiday that falls on a Sunday may be observed on the following Monday.

## **902 Administrative Leave**

- For when employees are on official College business attending meetings, conferences or training related to their work.
- The President has the discretion to grant administrative leave.
- Requests for administrative leave are to be in writing, a minimum of three business days in advance of the event, preferably a two week notice.

### **903 Inclement Weather**

A decision to close the College due to inclement weather shall be at the discretion of the Academic Dean who will notify employees via local radio, television stations, and the CCCC Alert System. (Generally, if the local schools close due to weather conditions, the College will close.) When the College closes due to weather, time is charged to 'administrative leave.'

Each employee is responsible for deciding whether conditions are safe for travel. Should an employee choose not to attend work due to inclement weather and the College remains open, that employee will have that time off charged to either annual leave or leave without pay.

## 904 Annual Leave

Revision Date: 09/24/2015

Full Time employees earn and accrue annual leave from the first day of employment, but are not entitled to use it until completion of a 90-day probationary period.

Employees may not receive a cash amount in lieu of annual leave, except upon termination/resignation of employment. Employees may be paid for annual leave benefits that have accrued through the last day of work.

Annual leave is accrued according to the following schedule:

<u>Years of Employment</u> <u>Carryover</u>	<u>Annual Leave Hours Accrued</u>	<u>Hours Available for</u>
0-1 year	1 hour per one week pay period	48
2-5 years	2 hours per one week pay period	72
6-10 years	3 hours per one week pay period	96
11-15 years	4 hours per one week pay period	120
16-and years thereafter	6 hours per one week pay period	120

The maximum accrual of annual leave time for each eligible employee earning 1-4 hours shall be 208 hours (26) days per fiscal year. The maximum accrual of annual leave time for each eligible employee earning 6 hours shall be 312 hours (39) days per fiscal year.

Accrued annual leave benefits may be carried over from one fiscal year to the next according to the following schedule. Any unused annual leave in excess of the maximum carryover will be forfeited.

Years of Employment	Maximum Carryover
0-1	48
2-5	72
6-10	96
11+	120

Annual leave may be taken all at once or in parts. In either case, approval for any annual leave must be obtained **in advance** (2 week notice preferred) from the employee's immediate supervisor. A request for annual leave of three (3) days or more must be in writing and include the dates the employee will be on annual leave. The employee's supervisor has the right to deny annual leave, if the absence of the employee or faculty member would create a hardship. It is the responsibility of the employee to use their annual leave.

Employees must utilize annual leave to participate in voluntary functions and/or events, unrelated to work such as training, external board or committee appointments, meetings, and/or travel as a board member. Employees are limited to one (1) board/committee appointment and any travel as a board member is the responsibility of the board/committee or employee.

Years of Service:

Employees retain their years of service when transferring to another division or program within the institution. Individuals who are re-hired within one (1) year of break in service will retain their years of seniority.

Transfers:

Employees who transfer to another position within the college, carries forward any leave balances.

## **905 Sick Leave Benefits**

*Revision Date: 04/19/2017*

Sick leave benefits are paid to all eligible full-time employees for periods of temporary absence due to illness or injuries.

Sick leave is a privilege to be used when an employee is ill, consulting a doctor, clinic (including dental or vision appointments) or other medical practitioner, including a traditional healer.

Sick leave may be used when an immediate family member of the employee becomes ill.

Eligible employees accrue sick leave at a rate of 2 hours every week to a maximum of 104 hours per year. Employees can accrue 240 hours sick leave per year, but will not be compensated for unused sick leave at the time of termination/resignation or at the end of the fiscal year.

Unless otherwise arranged, an employee or designee must notify the immediate supervisor before 8:00 a.m. on the day for which he/she will be absent due to illness. For sick leave exceeding three (3) working days, an employee must present documentation signed by a doctor.

If an employee becomes ill while on annual leave, he/she is required to furnish a physician's statement in writing in order to have that absence charged against sick leave rather than annual leave.

The President may grant up to 20 hours per week for 4 weeks for a serious health condition or injury and/or continuing treatment when all annual leave and sick leave is exhausted. Those hours will be given as an "advance" against leave as it is accrued when employee returns to full time duties. Employee must make the request in writing and receive approval in writing.

## **906 Leave Sharing**

*Revision Date: 04/19/2017*

Purpose: It is the intent of the leave sharing program to allow employees to voluntarily provide assistance to their co-workers who find themselves without sufficient accrued leave during a serious health condition or injury and/or continuing treatment of the employee, or immediate family member of the employee. Employees are eligible to utilize shared leave pursuant to the following:

1. The Supervisor, Human Resources, and the President have determined that the employee meets the criteria described in this policy.
2. The employee has abided by policies regarding the use of leave.
3. The employee's use of shared leave does not exceed 240 hours in any twelve month period.

### Eligibility:

Employees of Cankdeska Cikana Community College may donate leave to a CCCC employee who is eligible to accrue and use sick/annual leave.

An employee may receive donated leave up to the number of hours the employee is normally scheduled to work each pay period, if the employee who is to receive the donated leave:

- Has submitted prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the employee's condition, and
- Has a zero balance of sick and annual leave and is expected to have a period of unpaid leave.

Employees may donate sick/annual leave if the donating employee:

- Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned, and
- Retains a total leave balance of at least forty hours.

### Limitations:

- A. Employees using donated leave shall be considered in active pay status and be entitled to any benefits to which they would otherwise be entitled. However, the donated leave becomes part of the employees accrued sick/annual leave total. Leave accrual will stop after the maximum number is reached (determined by the length of employment).
- B. Employee must have completed his/her probationary period in order to receive donated shared leave.



## **907 Family Medical Leave Act (FMLA)**

The college will grant an employee's request for unpaid leave of absence of up to 12 weeks available to all eligible employees:

- For pregnancy, prenatal medical care, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, child, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job.

An 'eligible employee' means an individual employed by the College for at least twelve months, and who has worked at least one thousand two hundred fifty (1,250) hours over the previous 12 months. Eligibility is determined as of the date FMLA leave commences, which is the first day of employment.

FMLA leave used for the birth, adoption, or foster care placement of a child must begin within 12 months of the event.

A physician's statement or certification is required to verify the existence of a serious health condition. 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. Generally, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or chronic condition. Other conditions may meet the definition of continuing treatment.

The maximum length of available FMLA leave for eligible employees is 12 weeks in a 12-month period that begins with the first day of leave. The maximum length of all types of FMLA leave available during a 12-month period is 26 weeks. An employee is not required to use the FMLA leave in one block or at one time. Leave can be taken intermittently or on a reduced schedule, provided that for a serious health condition of the employee or to care for someone with a serious health condition, is medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment. Reasonable and practical notice must be provided.

Employees must provide 30 days advance written notice of the need to take FMLA leave when the need is foreseeable. When the 30 days notice is not possible, the employee must provide notice

as soon as practicable and must comply with the normal call-in procedure. Employees are required to provide a certification and periodic certification supporting the need for leave.

The employee will utilize his/her accrued hours of sick and annual leave, in that order, before going on leave without pay status. A temporary employee may be hired to fill the position in an employee's absence.

## **908 Bereavement Leave**

*Revision Date: 10/22/2015*

On the occasion of a death in an employee's immediate family, up to five (5) days of paid bereavement leave will be provided to eligible employees in the following classification(s) and at the discretion of the supervisor:

Full Time Staff & Faculty  
Probationary employees

Part time employees may be granted up to three (3) days bereavement leave with pay at discretion of the Supervisor.

A relative is a member of the immediate family, including spouse, domestic partner, parents, children, stepparents, stepchildren, siblings, grandparents, grandchildren, aunts, uncles, nieces, or nephews. Proof of death and/or relationship, such as a copy of the obituary must be submitted to the immediate supervisor.

A Leave Request Form must be completed and submitted to the employee's immediate supervisor for approval. The employee may also use any available annual leave if additional leave is required and must obtain approval from the employee's immediate supervisor.

## **909 Jury Duty**

An employee will be allowed administrative leave when subpoenaed for jury duty. A copy of the subpoena or summons must be given to the employee's supervisor prior to the court date.

## **910 Witness Duty**

Administrative leave will be granted if an employee is called as a subpoenaed witness. The witness subpoena should be shown to the employee's supervisor immediately after it is received. An employee who voluntarily appears as a witness must charge his/her absence against earned annual leave or take leave without pay.

## **911 Military Leave**

A leave of absence without pay will be granted to an employee who enters any branch of the United States Armed Services. Benefit accrual for any employee serving on active duty longer than 30 consecutive days will be calculated in accordance with applicable federal laws.

The employee will be reinstated with full seniority to his/her former position or to a comparable position if application for re-employment is made within 90 calendar days of the date of an honorable discharge or the date of release from hospitalization following discharge.

Any employee who is a member of a reserve component of the armed forces will be placed on leave of absence with pay, to a limit of thirty days per calendar year, for his/her annual training duty. Benefit programs for the employee on leave for his/her annual training will be unaffected.

## **912 Leave Without Pay**

Full time employees may request excused unpaid leave only after having completed 90 days of service. Excused unpaid leave may be granted for a period of up to 30 calendar days. Pending the Supervisor and Dean/Program Oversight approval, and prior to College President's approval, employees must take any or all annual leave prior to the effective date of the personal leave of absence. A temporary employee may be hired to fill the position in an employee's absence.

Requests for excused unpaid leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The College will continue to provide insurance benefits until the end of the first full month of leave without pay. At that time, employees must pay the full costs of their insurance benefits. The employer will resume payment of the costs of these benefits when the employee returns to active employment. Accruals for benefit calculations, such as annual leave, sick leave, or holiday benefits, will be suspended by the taking of excused unpaid leave.

Employees returning from excused unpaid leave will be returned to their former position.

Leave Without Pay is an employee benefit and should NOT be considered as a means for "keeping my job" while having excessive absences and having used up all annual/sick leave.

## 913 Employee Acknowledgement Form

### EMPLOYEE ACKNOWLEDGEMENT FORM

I understand that the personnel policies describes important information about Cankdeska Cikana Community College and that I should consult with my supervisor or the HR Director regarding its contents and any questions I may have.

Since provisions of the policies are subject to change, I further understand that any revisions will supersede existing policies.

I acknowledge that this document is not a contract of employment. I have received, read, understood, and will comply with the policies as outlined and any subsequent revisions.

I also understand that I am required to abide by these policies while I am a Cankdeska Cikana Community College employee.

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

\_\_\_\_\_  
Date