

**EMPLOYEE HANDBOOK**  
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## **SECTION I: PURPOSE**

### **1.0 Introduction**

#### **A. Mission Statement**

The Crownpoint Institute of Technology is a tribal technical college established and chartered by the Navajo Nation. The Crownpoint Institute of Technology will prepare Navajo and other students with a quality technical and vocation education, associate degrees or community education in a higher learning setting. The college is committed to providing a student-centered learning environment, based on Diné philosophy of education: *Nitsáhákees, Nahat' aa, iinaá, Síhasin*.

#### **B. Vision Statement**

The vision of Crownpoint Institute of Technology is to educate Navajo individuals to utilize state-of-the-art technology and to enhance the desirable character traits of integrity, self-discipline, loyalty, and respect which give the Navajo people hope, courage and resiliency essential to their survival as a people, using the strengths inherent in the Navajo cultural values and traditions.

#### **C. Philosophy Statement**

The Crownpoint Institute of Technology believes that every student has the innate ability and intelligence to learn and acquire technical skills. Students have knowledge about their abilities and skills to enhance their personal, social, economic and cultural values. A disciplined learning environment, with an innovative and community based academic and vocational curricula, will produce a competent, educated, and self-reliant participant of the Navajo Nation in the world of work.

### **1.1 The Employee Handbook Purpose and Use**

The purpose of the CIT Employee Handbook is to provide employees of the Crownpoint Institute of Technology, hereinafter referred to as the Institute, with information regarding the policies, procedures, and regulations of the Institute. The Board of Directors recognizes that employees differ in their skills, goals, perceptions, and values; and, that it is basic human nature that conditions may arise that are either incompletely addressed in these policies and procedures, or result in conflicts. In such cases, the Institute will endeavor to make personnel decisions that are fair and equitable; while at all times ensuring that the best interests of the Institute are served.

This Handbook is not a contract of employment. No employee of the Institute other than the President, as authorized by the Board of Directors, has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to this Handbook.

Based on the recommendation of the President, the Board of Directors of the Institute may amend, supplement, suspend or rescind any provisions of this handbook as it deems appropriate, at its sole and absolute discretion.

### **1.2 General Conduct of CIT Employees**

An obligation rests with every employee of the Institute to render an honest, efficient and courteous performance of duties. Employees will therefore be responsible and held accountable for adhering to all policies, rules, directives and procedures prescribed by the Board of Directors.

### **1.3 Off Duty and Off Campus Conduct**

Generally, the Institute regards off-duty activities of employees to be a personal matter rather than the business of the Institute. However, certain types of off-duty activities by employees represent the potential of adverse impact upon the Institute. It is for that reason, the following is established with the intent to specify action and guide employees.

The CIT employee who engages in or is associated with illegal or immoral conduct, the nature of which adversely affects or could affect the Institute or the employee's credibility or ability to carry out his/her employment responsibilities, may be subject to disciplinary action including dismissal.

### **1.4 Conflict of Interest**

Each employee of the Institute shall comply with the applicable provisions of the following:

1. The Navajo Nation Ethics in Government Law, 2 NCT 3742
2. Navajo Standards of Conduct and Restricted Activities of Public Officials and Employees.
3. The Navajo Tribal Code – Title II Standards of Ethical Conduct.

These documents are available for review in the Human Resources Office or through the Navajo Nation Council in Window Rock.

## **SECTION II : GOVERNANCE**

### **2.0 Board of Directors**

The Board of Directors is comprised of five members who oversee and provide direction to the Crownpoint Institute of Technology in accordance with applicable Federal, State and Navajo Nation laws and Board policies. The Board of Directors is appointed by the President of the Navajo Nation and confirmed by the Government Services Committee of the Navajo Council.

### **2.1 Administration**

A. The Board of Directors select and employ the President and Provost of the Institute who serve at the pleasure of the Board. The President is responsible for all aspects of the operation of the Institute. The Provost works under the direction of the President in matters of fundraising.

B. The Director of Human Resources is responsible for recruitment, establishment and timely review of the Professional Development Plan, the administration of employee benefits, and related policies and procedures. The Director of Human Resources assists other offices and programs in meeting their staffing goals, employee training, managing job performance and interpreting policy. The Director of Human Resources also supports employees and their supervisors in resolving disputes in order to promote effective working relationships.

### **2.2 Employee Advisory Committee**

The President annually appoints members of the Employee Advisory Committee, chosen from full-time employees and representing the various employee groups. Committee members serve staggered three year terms. An administrative representative is appointed by the President to serve as an ex-officio member of the committee. The purpose of the Employee Advisory Committee is to recommend improvements to the Administration and from time to time review any matters relating to the welfare of the Institute.

## **2.3 Institute's Right to Manage: Disciplinary Action**

### **A. Management Rights**

In accordance with applicable Federal and Navajo Nation Laws and Board policies, the Institute shall retain the right to : determine the mission of the Institute, set standards, exercise control and discretion over the Institute's organization and operation; direct employees of the Institute; hire, promote, transfer, assign and retain employees in positions within the Institute; suspend, demote, discharge or take other disciplinary action against employees for just cause; relieve employees from duties because of a lack of work or for other legitimate reasons; maintain the efficiency of the operation entrusted to the administration and take whatever action may be necessary to carry out the functions and mission of the Institute and maintain uninterrupted service to its students and faculty in situations of emergency.

### **B. Types of Corrective Discipline**

Corrective Discipline is a method of dealing with unsatisfactory performance or misconduct of employees and is designed to provide the employee with an opportunity to become aware of and correct his/her unsatisfactory performance or misconduct. Types of corrective action for dealing with these issues include:

Verbal Warning- This is generally for minor infractions or to correct minor faults in an employee's performance. A written statement will accompany the verbal warning indicating the reasons for the verbal warning. The employee is given a copy of this statement.

Documented Warning- The documented warning is memo or letter addressed to the employee and is used when the deficiency or infraction is of a greater degree. A copy of this warning letter or memo is sent to the employee as well as placed in the employees personnel file.

Suspension- An employee may be suspended without pay for serious offenses or for continued low performance or misconduct after previous attempts to correct the action have failed. Suspensions may not exceed 30 days in length and shall be in writing stating the reasons for such action. The employee is sent a copy of the written statement and a copy is also placed in the employees personnel file.

### **C. Discharge**

An employee may be discharged when the seriousness of the matter is such that the employee not be permitted to remain on the work force. This policy does not apply to probationary employees who may be terminated for cause at any time prior to completion of the probationary period.

### **D. Pre-Determination Conference**

The Institute will make every effort to be as fair as possible before taking serious disciplinary action. Prior to suspension or dismissal, a regular employee (non-temporary) who has completed his/her 90 day evaluation period shall be given the opportunity to request a pre-determination conference with the President of the Institute.

The conference is an opportunity for the employee to give his/her explanation of the events that lead to disciplinary action. While the employee may have a representative present as witness, it may not be legal counsel and no legal techniques such as discovery or cross-examination may be used. The President may ask for other employees or individuals to be present and the conference will be recorded.

## **E. Appeal of Suspension or Dismissal**

When the Institute makes a final decision to dismiss or suspend a regular employee, he/she may appeal the action to the Board of Directors. Said appeal must be in writing and filed with the Director of Human Resources within 5 working days of the decision to suspend or dismiss.

## **F. Selection of Appropriate Disciplinary Action**

Discipline at the Institute is both progressive and cumulative. Repeated violations of the same standard of conduct may result in increasingly severe discipline. Violations of different conduct standards may also be considered in judging the appropriate action to be taken. Each case of inadequate performance or act of misconduct is judged individually and the type of corrective action depends on the severity of the infraction, the employees work record and prior history of similar infractions. The following guidelines are to assist supervisors in determining appropriate action.

### **General Policy**

Rules of conduct for employees are intended to promote the orderly and efficient operation of the Institute, as well as protect the rights of all employees. Violations, therefore, shall be regarded as cause for disciplinary action.

These rules are published for the employees' information and protection. Ignorance of work rules is not an acceptable excuse for violation. It is each employee's responsibility to know the rules and abide by them. These rules are not all-inclusive, and other departmental or Institute regulations may exist. Employees are expected to know and abide by these rules as well.

### **Rules of Conduct for Employees**

The Department of Human Resources shall be consulted regarding the consistency of rule interpretation and appropriateness of the penalty being applied for violation of any of the following Rules of Conduct.

#### **Section 1**

For violation of any of the following rules, an employee shall be subject to penalties ranging from a formal written warning notice up to, and including, discharge.

- A. Neglect of duty.
- B. Insubordination or refusal to comply with employer's instructions, unless such instructions are injurious to the employee's safety and health.
- C. Employee Misconduct
  - 1. Immoral or indecent conduct;
  - 2. Conviction of a felony;
  - 3. Conviction of a misdemeanor involving moral turpitude while an employee of the Institute; or
  - 4. Violation of Navajo or applicable federal law which causes unfavorable publicity to the Institute, impairs the credibility of the employee to perform the employee's job, or is otherwise connected to Institute employment.
- D. Intentional falsification of personnel records, payroll reports, or other Institute records.
- E. Theft, intentional destruction, or defacing of Institute, employee, or student property.

- F. Deliberate or careless conduct endangering the safety of self or other employees, including the provocation or instigation of violence.
- G. Consuming alcoholic beverages while on duty or the possession or consumption of illegal drugs.
- H. Abusive, threatening, or coercive treatment of another employee, student, or member of the public.
- I. Reporting for work in an unsafe condition which includes, but is not limited to, being under the influence of alcoholic beverages or drugs. An employee who so reports shall be sent home with pay pending investigation.
- J. Knowingly admitting an unauthorized person or persons into any locked or restricted building or area of the campus.
- K. For other offenses of equal magnitude to the above

When an employee engages in conduct in violation of the Section 1 rules and the conduct is committed off-duty and not on Institute property, the Institute may discipline the employee, up to and including discharge, whenever the conduct causes unfavorable publicity to the Institute, impairs the credibility of the employee to perform the employee's job, or is otherwise connected to employment at the Institute. Conduct that is off-duty but on Institute property or that is directed toward Institute students, employees, representatives, or property is always connected to employment at the Institute. Likewise, conduct that is on duty but off Institute property is always connected to employment at the Institute.

## **Section 2**

For the commission of any of the following offenses, an employee shall be subject to disciplinary action up to and including discharge.

- A. Excessive absenteeism.
- B. Excessive tardiness.
- C. Inattentiveness to work, including but not limited to, failure to start work at the designated time, quitting work before proper time, or leaving assigned work area, building, or project during working hours without authorization from appropriate supervisor.
- D. Posting unauthorized materials on walls or bulletin boards; defacing or removing authorized material from bulletin boards.
- E. Violation of a safety rule or safety practice.
- F. Smoking in prohibited areas.
- G. Failure to report for work without giving the supervisor or department head notice of absence within two (2) hours after the beginning of the scheduled workday.
- H. Vending, soliciting, or collecting contributions on the Institute's time or premises without prior appropriate authorization from the Institute.
- I. Gambling, lottery, or any other game of chance on the employer's premises during working hours.

J. Any other offense of equal magnitude to the above

1. Verbal Warning—Verbal statement to employee that he/she has violated a rule and/or regulation and that such violation may not continue. All action after the first verbal warning must be in writing and copied to the employee's personnel file.

2. Written Reprimand—Formal notification in writing to employee that he/she has violated a rule and/or regulation.

3. Suspension—Loss of work and wages for a specific number of hours or days, but not for more than one (1) work week, depending on the severity of the offense. Notice of suspension is provided to the employee in writing.

4. Discharge—The employer/employee relationship is severed

If an employee receives three written warning notices for the same or different offenses within a period of twelve consecutive months, the employee shall, at the time of the issuance of the third such notice, be subject to immediate discharge.

### **G. Approvals for Corrective Discipline**

Any supervisor may take corrective action with an employee under his/her authority, consistent with Institute policies. Before disciplinary action is taken, it shall be reviewed by the Director of Human Resources to ensure that there is just cause for the action. The Human Resources Director will review the employee's work history and verify that the proposed course of disciplinary action is in no way discriminatory and consistent with past practices. Copies of any disciplinary action must be sent to the President for approval prior to being issued.

## **SECTION III : EMPLOYEE RIGHTS**

### **3.0 Policy**

It is the policy of the Institute to employ, retain, promote, terminate and otherwise treat all employees and job applicants on the basis of merit, qualifications and competence. consistent with the provision of applicable laws and policies, so that the Institute will not improperly discriminate against any applicant or employee..

### **3.1 Navajo Preference**

#### **A. Policy**

The Institute gives preference in employment to enrolled members of the Navajo Nation in accordance with the provisions of the Navajo Preference in Employment Act (15 N.N.C. §§ 601-619). A copy of the Navajo Nation preference in employment policy is posted outside the Human Resources Department.

#### **B. Navajo Veterans Preference**

A Navajo veteran of the armed forces of the United States that has been separated from the armed forces under honorable conditions following more than 6 months of active duty shall be given preference in employment. An individual applying for Veteran's Preference must submit a copy of DD Form 214 (Certificate of Release or Discharge from Active Duty) to receive preference.

### **C. Employment of Relatives**

It is the policy of the Institute that employment of relatives is acceptable within the following limitations:

1. No Supervisor may employ a member of his/her immediate family. No supervisor may employ a member of the immediate family of any line supervisor without the expressed, written permission of the CIT President.
2. Relatives, regardless of classification, may be employed in a separate department, but no relative can be employed in the same department where another relative holds supervisory responsibility or has hiring authority. Relative not holding supervisory rank or having hiring authority may work in the same department
3. The term "relative" is defined as an individual who is related by blood or marriage to the employee as a father, mother, son, daughter, brother, sister, grandmother, grandfather, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, or half sister.
4. If there is a change in family status that would violate the above provisions, corrective action must be taken within 6 months by transfer, resignation or discharge of one or more of the employees so related.

### **3.2 Anti-Harassment Policy**

#### **General Policy.**

It is the policy of the Institute to maintain an academic and work environment free of harassment for students, faculty and staff. Any form of harassment or discrimination including sexual harassment, and any other status protected by law, is prohibited.

#### **A. Definition**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct may constitute sexual harassment when:

1. Submission to such conduct is made either explicitly a term or condition of an individual's employment,
2. .Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
4. Sexual harassment, and other prohibited forms of harassment, does not refer to behavior or

occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, and that therefore interferes with work effectiveness.

- a. In as much as, “behavior or occasional compliments of a socially acceptable nature” may be culturally distinct, it is important that all applicable behavior under this section which may be found to be offensive to one party be communicated to the other party as being objectionable and personally offensive, and
- b. In as much as the Institute is engaged in a multiple cultural environment, one cannot assume that the offending party understands or recognizes that his/her actions are objectionable and personally offensive, and for this reason it is mandatory under this section that the party who is the recipient of the unwelcome behavior or occasional compliments express his/her objection to the other party and a prerequisite to any sexual harassment action under this section.

## **B. Forms of Harassment**

Sexual harassment, and other prohibited forms of harassment, may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:

1. Verbal: Sexual innuendoes, suggestive comments, and jokes of sexual nature, sexual propositions, threat, and insults or any types of slurs based on a protected status.
2. Non-Verbal: Sexually suggestive objects or pictures, derogatory posters, cartoons or drawings, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures or which are insulting to an individual’s age, race, religion, etc.
3. Physical: Unwanted physical contact, including touching, pinching, brushing the body, rubbing, stroking, coerced sexual intercourse, assault, etc.
4. Other: Making or threatening reprisals as a result of a negative response to any type of prohibited harassment.

Prohibited harassment may be overt or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the workplace, and behavior that is appropriate in one culture may not be appropriate in another culture and for this reason section 3.2.A.4.a and 3.2A.4.b above apply. But whatever form it takes, verbal, non-verbal or physical, sexual harassment and other forms of prohibited harassment can be insulting and demeaning to the recipient or other employees and cannot be tolerated in the workplace.

## **C. Harassment Not Tolerated**

Prohibited harassment by an employee, supervisor, or non-employee will not be tolerated. All employees, supervisors and non-supervisors alike, are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur.

Appropriate disciplinary action will be taken against any employee who violates this policy against harassment. Appropriate disciplinary action may include discharge.

## **D. Harassment Complaint Procedure.**

1. Any employee who believes that he/she has been subjected to sexual harassment prohibited by this policy must report in writing the alleged act(s) immediately to the Director of Human Resources. In the event the offending party is the President, Vice-President or a member of the Board of Directors, then the written report shall be submitted to the Director of Human Resources, who shall

refer the complaint to the Chairperson of the Board of Directors. The provisions of Section \_\_\_\_ shall be followed regarding complaints filed against the President and Vice-President. Any employee cannot allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. No employee or director is exempt from this policy.

2. All complaints will be handled in a timely and confidential matter, although confidentiality cannot be guaranteed. The Institute will make every effort to contain information concerning a complaint so that it is not released to other employees, third parties, or those who do not have a need to know. Any employee responsible for investigating a complaint is prohibited from discussing the complaint outside the context of the investigation. The purpose of the provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incident of sexual harassment, and to protect the reputation of any employee wrongfully accused of sexual harassment.
3. Upon receipt of the written complaint, the Director of Human Resources will take prompt investigatory actions. Any individuals who have relevant information, including the individual against whom the complaint is made, will be interviewed and asked to sign a statement.
4. The Director of Human Resources will determine whether harassment has occurred and notify the parties in writing of his/her decision. If it is determined that harassment has occurred, the Director of Human Resources will recommend to the employee's Dean or Department Head the appropriate disciplinary action up to and including discharge, and where necessary, corrective and preventative actions. The severity of the discipline shall be determined by the severity or frequency of the offense, or other conditions surrounding the incident.
5. Employees who in good faith bring complaints to the attention of the Institute and/or participate in investigations regarding such complaints will not be retaliated against in any way.

### **3.3 Personal Relationships in the Workplace**

1. The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day work relationships.
2. For this reason no employee shall supervise a family member or relative. This is to promote consistency and equity in the treatment of all employees, to prevent breaches in confidentiality, to prevent improper influences in employment and to prevent the perception of favoritism. For purposes of this policy, the term "relative" is defined as an individual who is related by blood or marriage to the employee as a father, mother, son, daughter, brother, sister, grandmother, grandfather, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother, or half sister. A dating relationship is defined as a relationship that may reasonably be expected to lead to the formation of a consensual "romantic" or sexual relationship.
3. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship. CIT reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.
4. If a relative relationship or dating relationship is established after employment and a conflict such as described in the above paragraph is created; or, if a reorganization creates such a conflict, fifteen

(15) calendar days will be allowed to resolve the matter voluntarily or by transfer of one of the employees to a different department. If after the fifteen (15) days the matter is not resolved the employee with the most recent date of hire may be released from employment.

5. In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is not line of authority or reporting involved, the employees may be separated by reassignment, transfer or terminated from employment.
6. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

## **SECTION IV : EMPLOYMENT POLICIES**

### **4.0 Overtime Work**

Although the Fair Labor Standards Act of 1938, as amended, has been held by the Ninth Circuit Court to not apply to the Navajo Nation, the Institute has chosen to extend overtime compensation to its employees.

All positions are classified as either “exempt” or “non-exempt” to determine eligibility for overtime compensation. Exempt positions are managerial, supervisory, professional and administrative positions. Employees assigned to exempt positions are not eligible for overtime compensation. Non-exempt positions are non-supervisory office or staff positions. Employees assigned to non-exempt positions are eligible for overtime compensation.

### **4.1 Employee Definitions**

**Regular Employees:** Regular employees are employed pursuant to a limited term employment contract approved by the Board of Directors. Employment contracts are not automatically renewed. Employees have no expectation, express or implied, to any continuation of employment beyond the contract end date. The Institute reserves the right to offer or to not offer a new employment contract at its discretion and does not have to provide cause or reason for its action. If a new employment contract is offered, the duration of service will be specified in the new agreement and will be valid only for the specific period of time stated in the contract.

**Temporary Employees:** Temporary employees are employed pursuant to a limited term contract for a period of less than one year with a specific end date. Temporary employees have no expectation, express or implied, to any continuation of employment beyond the contract end date.

**Full-time Employees:** Any employee scheduled to work over 32 hours per week during the term of their employment contract.

**Part-time Employees:** Any employee scheduled to work less than 32 hours per week during the term of their employment contract.

## **4.2 Employee Groups**

1. Faculty- Refers to any employee who instructs students at the Institute and whose positions are placed on the Faculty Salary Scale. Instructors who teach in the vocational-technical programs and who are placed on the General Salary Scale are not considered faculty.
2. Staff- Refers to any employee who is in a position other than faculty.
3. Professional- Refers to exempt employees, usually at managerial level or that of vocational-technical instructor or counselor and are referred to as "professional staff". These include such positions as President, Vice President, vocational-technical instructors, directors, managers, supervisors, accountants and counselors.
4. General- Refers to "general staff" holding positions classified as non-exempt and include secretarial, clerical, maintenance and service workers, usually paid on an hourly basis.

## **4.3 Hiring, Promotions and Transfers**

- A. Basis: All hiring, promotions and transfers shall be based on qualifications, ability and performance.
- B. Position Descriptions: All positions at the Institute shall have a formal, up to date, written position description approved by the relevant department head and the CIT President. No new or open position may be posted or announced without a valid position description. All position descriptions are on file in the Human Resources office.  
All position descriptions are prepared by the Human Resources Director subject to the above approvals and must contain the following information.
  1. The purpose of the position.
  2. The key duties and responsibilities that are required for the fulfillment of the position.
  3. A statement indicating that the employee will also perform other duties as necessary and as specified by the employees supervisor.
  4. Ratings of the characteristics of the position in areas such as scarcity of applicants, working conditions, preparation required and other key issues that distinguish each position from another.
  5. Position title, location within the Institute's corporate structure and name of the direct supervisor.
  6. A statement of the Navajo Preference in Employment Act
  7. The CIT pay scale grade level at which the position has been classified.
  8. A list of the minimum acceptable qualifications required to be considered for the position.
  9. A statement of any addition qualifications that are required or desired if a distinguishing factor between several qualified candidates is necessary.
  10. The classification of the position with daily and annual scope of work.

C. Job Requisition Submittal: The department with a new position or vacancy must submit a draft of job description to the Human Resources Director. Upon review and revision, if necessary, the approved position description is sent to the President for final review and approval.

D. Preferences: Employees shall be given preference in selection over outside applicants provided their qualifications meet the minimum standards for the position. An employees length of employment shall be given substantial weight when two or more employees possess substantially equal qualifications. Such preference is however, subject to the requirements of the Navajo Preference in Employment Act.

A. Endorsement: Recognizing the need to help support the economy of the Navajo Nation and reduce exodus of citizens who find it necessary to leave the reservation for employment opportunities, the Institute strongly endorses the employment of qualified Navajo applicants.

#### **4.4 Student and Non-Employee Training Programs**

Effective January 1, 2006, all training programs for students, coop programs, extension programs for individuals that are paid by outside, third party organizations, all externships and any similar training programs will be handled by the Student Services Department and not by Financial Services or the Human Resources Department. Since these programs are considered "student" training and not paid Institute related employment, CIT is not responsible for payroll, benefits or insurance coverage on any individual enrolled in these programs and holds itself harmless for any injuries or damages incurred during the course of an individual or groups participation in these programs whether on or off campus.

#### **4.5 Posting and Bidding**

In accordance with sections 604(B)(5) and 604(B)(6) of the Navajo Preference in Employment Act, 15 N.N.C. §§ 604(B)(5) and 604(B)(6) all new positions and vacancies must be posted for all job classifications. The only exception to this requirement is if a qualified Navajo, who is currently an employee, is selected for the position.

The Human Resources Department posts all new position and vacancies upon approval by the President. All job postings are on bulletin boards throughout the Institute and remain posted for a minimum of 5 working days.

Employees wishing to apply for a position must submit all documentation including resume, application, reference letters and transcripts. Human Resources will not accept information residing in an employee's personnel file in lieu of submitting a new application package for each position applied for by the employee. Completed application packages can be submitted to Human Resources any time before the position is closed. Employees will be informed of any information missing from their submittal and provide missing documentation before further consideration of their candidacy is considered.

Reclassification or upgrading of any existing position is not considered a new position or vacancy.

#### **4.6 Acting Positions/Temporary Upgrades and Appointments**

Whenever employees are to be appointed to "acting positions" or to receive temporary upgrades or appointments, either of which is to be for 6 months or more, they must have prior approval from the President. Job posting is waived for acting and temporary appointments which are for a duration of less

than 6 months. If any acting or temporary position is to be filled on a permanent basis, it must be posted as described above in section 4.5.

#### **4.7 Recruiting New Applicants**

The Human Resources Department is responsible for actively soliciting new candidates to fill current and future vacancies. Upon receiving a new candidate's application package which should include a resume, completed CIT application form, 2 letters of recommendation, referral notices if applicable and copies of all transcripts, the human resources department will carefully screen and evaluate the candidate against the minimum requirements of the position. If the candidate meets the qualifications, a note is sent to the hiring manager requesting available times from the interview panel to speak with the candidate either in person or by phone. It is the job of the hiring manager and the interview panel to compile a group of relevant questions for the interview and to obtain the approval of the Human Resources Director prior to their being used. Human Resources then contacts the candidate(s) to arrange for an interview. All candidates that do not meet minimum qualifications will be notified by mail or email that their application will not be considered. The Human Resources Department makes every effort to review and set up appropriate interviews for candidates within 72 hours of the paperwork being received.

All Institute employees are encouraged to assist in locating and referring qualified candidates. Please refer all such candidates to the Human Resources Department.

Recruiting and sourcing for all new and vacant positions is done by posting the positions on bulleting boards throughout the campus, by advertising in local newspapers and on select radio stations, by mailings to the Navajo Nation employment sources and job services and by advertising in regional and national publications and job services. The later is usually done when qualified candidates cannot be found on or near the Navajo Reservation. Recruiting for difficult, hard to find individuals can also be done by advertising on major job boards such as Monster.com and Careerbuilder. Copies of all advertisements are mailed to:

Office of Navajo Labor Relations  
PO Drawer 1943  
Window Rock, AZ. 86515

In accordance with the Navajo Preference in Employment Act, applicants will, upon request, be given a copy of the job description for the position for which they have applied for.

#### **4.8 The Interview Process**

After the process of identifying candidates has been completed, Human Resources contacts the hiring manager and requests the hiring manager to select an Interview Panel to conduct an in-depth interview with the candidate(s) and make the appropriate assessments of background, fit and viability for the position.

The Interview Panel must have a minimum of 3 members, each having a background in the subject matter related to the position for which an interview is to be conducted. Selection of panel members will be from within the hiring department or will be selected for their specific subject knowledge as it relates to the position being interviewed for. If possible, a member of the Human Resources Department will act as Facilitator, but will not ask any questions nor take part in the voting process at the end of the interview. If a member of the Human Resources Department is not available, one of the Panel members will act as Facilitator as well as having Interview and voting rights on the candidate.

Interview questions are to be developed by the Interview Panel and will be the same for all applicants interviewing for a specific position. The only deviation from this will be follow-up questions that are asked during an interview to clarify or amplify an answer. All interview questions will be reviewed by the Human Resources Director prior to their use to ensure fairness and legality.

The Human Resources Department will strive to have all qualified candidates appear before the Interview Panel within 72 hours of initial review and notify a candidate of the Panel's decision to hire or not hire within 48 hours of the interview. Candidates not selected for hire will be notified by mail as to the Panel's decision. If it is found that a second interview is required, that interview will be held within 5 working days of the initial interview.

#### **4.9 The Hiring Process and Verification of Background**

A. Upon completion of an interview(s), each member of the interviewing panel is responsible for filling out and returning to Human Resources an applicant evaluation form that contains their assessment of the candidate and recommendation to hire or pass. If the panel recommends to extend an offer of employment to the candidate, the following procedure is followed. A note must be drafted by the chair of the interview panel stating that the candidate has met all required criteria and that it is the unanimous vote of the panel to extend an offer to the candidate. Upon receiving this note, the Human Resources Department puts together a hiring package which contains all relevant candidate information i.e., position description, resume, application, letters of reference and transcripts together with the panel's recommendation letter. Attached to this documentation is a PCN or Payroll Change Notice that shows this is a new hire, what the position is and recommended salary based on careful evaluation of the candidate's degrees, years of total job experience and additionally, the number of years of relevant experience to the requirement.

Prior salary and other factors are also taken into account to make a final salary determination. The paperwork is then signed by the Department Head, the Human Resources Director and the President. After approval of the PCN, an offer letter is drawn up and sent to the candidate for acceptance. It is routine that Human Resources discuss the offer verbally with the candidate and agree on a start date before the letter is drafted. It should be noted that all contracts of employment are subject to review and approval by the Board.

B. Internal candidates that apply for a posted position will be processed, if possible, within 48 hours of receiving their completed paperwork. Internal postings are done at a minimum of 5 days prior to external posting so that Institute employees are given priority status in applying for positions.

C. In cases of transfer or promotion of an employee from one department to another, the employee's new department will inform Human Resources of the change in writing. HR will then process a new PCN for the employee, have it properly approved and send it to the Payroll Department.

D. Human Resources also requires original transcripts for all faculty members. If transcripts are not immediately available, verbal verification of education and work background is made before a candidate can start employment. The Human Resources department will, from time to time, do random background checks on employees to verify information for correctness. This is done as a precautionary measure to ensure the integrity of the Institute.

#### **4.10 Orientation**

On the first Thursday of each month or as soon thereafter as can be arranged by the Director of Human Resources, every new employee will be scheduled to participate in a New Employee Orientation Program. The Human Resources Department will notify each new hire and their manager of the date the employee is scheduled for orientation. Departments are required to give the employee time off to complete the orientation program.

#### 4.11 90 Day Evaluation Period

- A. All new employees hired into regular, full time positions are placed on a 90 day evaluation period and are not eligible to receive any CIT benefits or accrued time off for vacation or sick leave.
- B. An employee may be terminated for cause at any time during the evaluation period.
- C. Promotions or transfers during the evaluation period are discouraged. Should this occur during an Employee's evaluation period, the employee must serve a new 90 day evaluation period in the new position. Employees transferred or promoted into a different position outside the evaluation period will be on a 90 day evaluation period to see if they perform satisfactorily. Should their performance not be deemed adequate, the employee can return to their former position, provided it has not been filled.
- D. Employees may request in writing, a waiver of the 90 day hold on insurance coverage and other benefits. This written request must be directed to the Navajo Nation Employee Benefits Program Manager, attn: Ms Emily Bennett in Window Rock, AZ. The request should include reasons for the request, whether or not you are currently insured and your CIT Insured ID Number that can be obtained from the Human Resources office. Decisions to grant or reject waiver are taken on a case by case basis.

#### 4.12 Change of Employee Status

**A. Payroll Change Notice ( PCN) :** Any change in the status of an employee including title, name, address, position, etc. is processed via a Payroll Change Notice which is to be completed by the Human Resources Department upon notification by the employee or the employee's supervisor. In the event of a name or address change, a new W-4 must be completed as well.

**B. Transfers:** A transfer is defined as a lateral move from one position to another or one geographic location to another within the same pay grade.

**C. Demotion:** A demotion is defined as any change in classification which results in a lower grade level and usually a reduction in salary.

**D. New Position:** When a new position is created, a full position description must be completed and sent to the President for evaluation and approval prior to the position being staffed either internally or externally.

**E Reclassification:** This happens when an existing position changes significantly and as a result, a new position description must be drafted and sent to the President for approval.

#### 4.13 Work Rules and Regulations

**A. Standard Work Schedules:** Standard work hours are generally from 8 a.m. to 5 p.m. with one hour for lunch. The standard work day consists of 8 hours, usually in two, four-hour increments with an hour off for lunch or dinner, depending on the start of an individual's work day along with two (2) non-cumulative breaks of 15 minutes each in duration. Breaks are normally taken in the middle of each 4 hour period.

The standard work week begins on Saturday and ends on the following Friday and consists of 40 hours. Authorized time worked over 40 hours is covered in the section explaining overtime benefits.

**B. Flexible Work Schedule:** Flexible work schedules are generally increments of time during each day that may or may not add up to 8 hours per day. Flexible schedules are designed to give the employee the latitude to work a 40 hour week as his/her department requires for the benefit of the Institution and as such, does not conform to the general 8-5 work day. Flexible work schedule employees are also entitled to a one hour lunch break with two 15 minute breaks as their schedules allow.

**C. Authorized Time Worked- Paid**

- a. This is the actual time worked at an employee's job location as required by their job description.
- b. Meal periods when included within the employee's standard work schedule. For non-exempt employees where meal periods are less than 30 minutes in duration or when an employee is not completely relieved of duties is also considered time worked.
- c. Authorized rest periods not to exceed 15 minutes in duration. Breaks may not be accrued, taken as time off, or used at the beginning or end of a shift.
- d. Attendance at meetings, conferences, training courses, etc., when such attendance is during the work day and attendance is mandatory or requested by the employee's supervisor.
- e. Travel time during the work day when it is required and authorized by the employee's supervisor.
- f. Time lost at the employee's job location due to fire, machine breakdown, power failure or other unforeseen problems that do not require the employee to be sent home.
- g. Time not worked when charged to sick leave, vacation, paid holidays or other compensatory time off granted by the employee's supervisor.
- h. Time off for voting, election or forced court attendance duties when granted in accordance with the Personal Leave with Pay Policy.

**D. Time Not Worked- Not Paid**

- a. Time spent traveling to and from the employee's workplace
- b. Time spent before or after an employee's scheduled work day that is considered non-performance based time on Institute grounds.
- c. All other time not specifically authorized by the Institute in section C above.

**E. Exceptions:** While the work schedules of most Non-Exempt and Exempt employees generally follow these guidelines, actual hours and schedules are determined by an employee's supervisor.

**F. Snow Days :** Snow days are defined as days used to make up time caused by cancellation of classes due to extremely severe weather conditions. Snow days are designated on the yearly Institute calendar and if not used, become days off for the students. If an abbreviated schedule is indicated, classes and other work related activities will begin at 10:00 a.m.

**4.14 Overtime Policy**

**A. Definition:** Overtime is defined as time worked in excess of 40 hours in a standard work week.

**B. General Policy:** General workloads and work schedules are arranged so that the organizations duties and responsibilities can be accomplished in a normal 40 hour workweek. In cases of emergency or in unique situations, overtime may be authorized and worked.

**C. Authorization:** Overtime must be authorized by the supervisor and President. In a situation where the overtime is required due to an emergency situation or due to a lack or required staffing, the supervisor may authorize overtime before obtaining approval of the President.

**D. Payment for Overtime:** From time to time, the Institute requires employees to work in excess of their normal duty hours and beyond the normal 40 hour work week. This is done in order to meet special or unusual Institute operational needs.

a. Exempt employees are not eligible to receive overtime compensation. However, in certain instances, an Exempt employee can be granted Compensatory time in lieu of overtime pay.

b. Non-Exempt employees receive additional compensation for all overtime hours at the rate of 1 ½ times the straight time rate for each overtime hour worked.

c. Time charged to sick time, vacation time or holidays will not be considered as straight time worked in any week when calculating overtime. Overtime is paid only on actual time worked over 40 hours in a standard work week.

d. Payment of overtime is normally included in the regularly scheduled paycheck following receipt of the employee's time report by the payroll technician.

e. Compensatory or 'Comp' Time can not be used in lieu of paid overtime unless authorized by the Department Head and approved by the President. If Comp time is to be used, the employee must also agree to such an arrangement. Compensatory time for overtime is to be granted at the rate of 1 ½ hours of time off for each hour of overtime.

f. Supervisors must fill out Overtime Claim forms and submit them to the President for prior approval.

**E. Recording Overtime:** Overtime is recorded to the nearest 1/10<sup>th</sup> of an hour.

#### **4.15 Holidays**

**A. Definition:** The holiday period is defined as the calendar day or days observed as the holiday.

**B. Eligibility:** Only regular employees are eligible for holiday pay, temporary employees are not. To receive holiday pay, an employee must be on paid work status ( either on the job working or using approved paid leave time) on the day immediately prior to the holiday and the day immediately following the holiday.

#### **C. Holiday Schedule:**

New Years Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Navajo Nation Sovereignty Day	Fourth Monday in April
Memorial Day	Last Monday in May
Navajo Nation Memorial Day	June 1
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Navajo Nation Family Day	Fourth Friday in November
Christmas Day	December 25

\* Any other days designated as holidays on the Institute calendar

#### **D. Special Circumstances Regarding Holidays**

- a. When a holiday falls on a Saturday or Sunday, employees that normally work that day will observe the holiday on a day designated by the Institute in lieu of the Saturday or Sunday holiday.
- b. When a holiday falls on a week day, employees who normally have off on the day of the holiday will be given time off on the day before or the day following their regular day off.
- c. General staff (non-exempt) required to work on a day designated as a holiday on the Institute calendar will receive Compensatory Leave credit at a straight time rate for all hours worked on the holiday day. Actual time worked in excess of 40 hours will be paid as overtime at the rate of 1 ½ times the straight time rate for each hour over 40 hours.
- d. Temporary workers required to work on a holiday will be paid at the straight time rate.
- e. Paid holiday leave for regular part time employees will be pro-rated based on the number of hours per week the employee is scheduled to work.

#### **4.16 Termination**

**A. Types of Termination:** As a general rule, termination of employment is categorized into the following 7 categories at CIT.

- 1 Resignation or Job Abandonment.
  - a. The employee gives written or verbal notice of resigning
  - b. The employee is absent for 3 or more consecutive days without permission except when an emergency situation precludes notice. Workdays are considered consecutive even when broken by weekends or holidays.
  - c. The employee fails to return to work following authorized leave and is absent for a period of no less than 3 consecutive days following the last day of authorized leave.
- 2 Release:  
Completion of employment contract by employee and a new employment contract not offered..
- 3 Dismissal:  
Termination of a regular or temporary employee during the 90-day evaluation period  
Termination of an employee before the end of their employment contract.
- 4 Layoff:  
The employee is terminated due to a reduction in force because of lack of funds, lack of work, or for other compelling reasons. Selection of employees for layoff status shall be based on qualifications and performance as determined by the Institute. If several employees are substantially equal, seniority will then be the determining factor.
- 5 Discharge for Cause:  
The employee is terminated after corrective discipline has failed or the seriousness of the infraction warrants immediate discharge from the Institute.
- 6 Retirement:  
The employee resigns and is able to collect retirement benefits.
- 7 Death

**B. Notice of Termination:**

In layoff situations, the Institute will make a good faith effort to provide a minimum of two weeks notice. Where applicable, provisions of the Federal WARN Act shall be complied with.

All layoff and/or discharge cases will be approved by the President. When that is not possible, the employee may be placed on administrative leave until the President can review the case.

Temporary employees, employees on 90-day evaluation and employees being discharged for cause will be given written notice of the discharge and the specific reasons for the discharge.

### **C. Pay in Lieu of Notice**

Pay in lieu of notice may be given at the employee's straight time rate when giving notice is not practical. Payment must be approved by the President.

Pay in Lieu of notice should not be given in cases of termination during probation, discharge for cause or discharge immediately following suspension for a serious infraction.

### **D. Termination of Employment- Procedure**

To protect both the employee and the Institute, and for official records as well as determining the eligibility of the employee for unemployment compensation benefits, the following procedure must be used for all terminations:

Supervisors are responsible for the following:

- a. Completing a Payroll change notice and submitting it to the Human Resources Department. The form or information to complete the form must be submitted on or before the last day of employment.
- b. Confirmation that the employee does not take time off which would extend the termination date beyond the last day actually worked.
- c. Provide the Human Resources Department with the employees forwarding address.

## **4.17 Seniority**

### **A. General Policy**

A seniority policy is established to determine priorities in promotion and transfers when ability, skill, training and other relevant qualifications are equal as determined by the Institute. Nothing in this policy shall be deemed to override the Navajo Preference in Employment Act and qualifications of employees as the primary consideration in promotions, transfers, etc.

**B. Definition:** Seniority is defined as the employee's length of continuous service.

**C. Eligibility:** This policy applies to all Regular Employees. Temporary Employees do not accumulate seniority.

**D. Seniority Computation:** Seniority is computed from the first day of employment.

### **E. Special Provisions:**

- a. If a temporary employee becomes a regular employee with no break in service, seniority accumulation is adjusted to begin with the date of temporary employment.
- b. If a student becomes a regular employee, seniority accumulation begins on the date of regular employment.

- c. In case of layoff, seniority shall be based on length of service.
- d. An employee who has been laid off for lack of work and is reinstated within 1 year retains accumulated seniority to the date of termination.

#### **4.18 Performance Assessment**

Each employee's job performance shall be evaluated prior to April 30<sup>th</sup> of each employment year. Assessment is done by the employee's supervisor using standards, procedures and forms that have been approved by the CIT President.

- a. Based on the supervisor's evaluation, the employee's performance will be determined to be **excellent, above average, average, below average, unsatisfactory.**
- b. Prior to completion of the evaluation forms, employees can submit a self-evaluation form to their supervisor that contains relevant information on their personal performance and completion of goals and objectives during the assessment period. Submission of a self-assessment is on a voluntary basis and employees may choose whether or not they want this assessment to become part of their employee personnel file. Supervisors may also meet with employees prior to the formal evaluation to explain the basis for evaluation and discuss the employee's self-evaluation information.
- c. Supervisors of employees whose performance is determined to be average or below and in need of improvement shall work out a performance improvement plan outlining measurable goals and objectives. This outline is reviewed by the supervisor and employee and timelines set to determine if measurable improvement is being made. In all cases, the improvement plan "must" be completed before the next year's performance evaluation. Failure to complete the improvement guidelines may be grounds for demotion or possible dismissal. Supervisors will also review any training they feel should be incorporated into the employee's Professional Development Plan.
- d. A written report of the evaluation and all determinations made along with the performance improvement plan shall be sent to the employee's Department Head, the CIT President and the Human Resources Director. Every employee will receive a copy of their Performance Review at the conclusion of the review session.
- e. The employee shall acknowledge receipt of a copy of the report and shall be entitled to file a response to any aspect of the evaluation with the Human Resources Director within one calendar week of receipt of the evaluation. Any response filed by the employee will be copied to the Department Head and CIT President.
- f. New Employees shall be evaluated prior to the end of their first 90 days of employment. All employees who have passed their 90-day evaluation period are subject to an end of fiscal year Performance Review conducted on or about the period from March 15<sup>th</sup> until completed, but no later than April 30<sup>th</sup>. Every employee will be given an opportunity to review, discuss and provide information to support their performance at both the 90-day evaluation and the yearly Performance Review.

#### **4.19 Personnel Files**

##### **A. Institutional Information and Right to Privacy**

- a. All information contained in an employee's personnel file shall be available to the employee, any member of the Human Resource Department, by any supervisor in the employee's chain of command, and by any supervisor considering the employee for a position.
- b. Anonymous, unsigned or second-party information shall not be placed in the employee's personnel file.

c. Derogatory materials relating to character, service conduct or personality may not be filed unless the employee has been provided a copy of such material and approves its inclusion in his/her personnel file.

d. An Employee has the right to respond in writing to anything placed in the open file and have their response placed in with the related materials. The response must be made within 30 days of notification of the materials being placed in their personnel file.

e. No documentation may be removed from an employee's file. Documents may, however, be placed in sealed envelopes under the same circumstances.

## **B. Employment Verification and Reference Checks**

a. Upon request, the Human Resources Director will verify (but not furnish) information concerning the employee's length of service, salary and job title to outside parties. Any additional information aside from the aforementioned will require a written request and release form signed by the employee.

b. Under no circumstances will the Human Resources Department or any Institutional supervisor or manager furnish negative or derogatory information on an employee unless such information is fully documented in the employee's personnel file and only with the approval of the Director of Human Resources.

## **4.20 Employment Outside of your CIT Contract**

Employees may, provided it does not interfere with their regular work schedule, accept temporary, summer or contract employment. An example would be a request for an employee to deliver the opening prayer for a meeting where an agreement has been reached that a fee would be paid for to the employee for this function. Instructors that teach the summer session are also covered within the scope of this section.

### **A. Payment for outside employment:**

1. Any employee doing work for any outside organization that is not affiliated with CIT or the Board of Directors must seek payment for such work directly from the outside organization and not through the Institute or the Board.

2. An employee who is requested to provide services for a CIT or Board related function or under the terms of a grant will receive payment through the CIT payroll department under the terms agreed upon by the employee and the Institute or Board of Directors.

3. Employees hired to instruct a summer session will be under a new and separate contract of employment which must stipulate the period of instruction, schedule of payroll increments, hourly rate of pay and class load.

4. It is prohibited for any faculty member to hold a full time contract with another college or university while in the employ of CIT as full time faculty member. Faculty members refusing to terminate their other teaching contract will be considered in breach of contract and may be dismissed for cause.

## **SECTION V: GETTING PAID AT THE INSTITUTE**

### **5.0 Pay Administration**

**A. Salary Scale:** The Institute has adopted a consolidated salary scale, applicable to all positions at the institute which incorporates the following characteristics:

1. The consolidated salary scale is based on hourly or hourly equivalent pay rates so that employees with the same qualifications, job responsibilities and successful experience will be paid at the same rate per hour of work whether employed full time or part time, for a full calendar year or just a partial year.
2. A series of sequential grade levels relating CIT positions to each other based upon increasing degrees of responsibility, complexity and qualification requirements.
3. A separate range of grade levels and specific definitions for Associates in Arts and Science program Faculty based on applicable academic degrees and incentives for staff development to increase degree qualifications for such Faculty positions.
4. Within each grade level, there are a series of sequential step levels setting increased pay rates based upon years of successful job experience at the position occupied at the Institute or in closely comparable positions prior to being hired by the Institute.
5. Provisions governing systematic placement of particular positions at grade levels on the scale relative to other positions already on the scale and for crediting individual employee job experience for placement at a particular step level both prior to being hired and while employed at the Institute.
6. Provisions for phasing in the scale to minimize initial negative impacts on either the budget or the Institute or the individual employee.
7. Financial management information provisions for accurately projecting the cost of proposed changes in the scale on each of the funding source budgets of the Institute.

## **B. Pay Check Policies**

1. All regular employees shall be paid in 26 equal installments according to the terms of their employment contract. Faculty hired on the basis of a 10 month contract may chose whether they want to be paid in 21 or 26 installments. Paychecks are issued every other Friday. Whenever a payday falls on a holiday, payroll will disburse/release checks the day preceding the holiday. No salary shall be paid until services have been rendered.
2. Salary deductions shall be made for Federal and applicable State taxes as well as social security deductions and all other employee authorized deductions. Navajo employees living on the reservation may select whether or not they want state taxes withheld.
3. If at any time, an employee wishes to authorize any other person to receive his/her pay check, the employee must submit a written authorization to the CIT Business Office.
4. Pay checks not cashed within 90 days of issue date will be cancelled. Should this occur, the employee must submit a request to the Financial Services Department requesting a new check be issued. The un-cashed check must be attached to the request form, otherwise, no new check can be issued.

## **C. Pay Advances**

1. Under certain circumstances, employees may receive an advance against their salary. Advances will be given in the following situations only:

- a. Institutional Business- When an employee is required to travel on official business that involves overnight stay, he/she may be given an advance. Such travel must be in accordance with the existing travel policy.
- b. Family Emergency- When an employee has been granted leave for a family emergency, an advance may be given.

2. Advances against employee salaries will be deducted from the employee's next payroll check. This is provided the advance was made two weeks or 14 calendar days prior to the next regularly scheduled pay check and that the reimbursement has not been made by the end of the payroll period.

3. An employee can only have one outstanding pay advance at any one time.

## **SECTION VI : YOUR BENEFITS**

### **6.0 Insurance and Retirement Benefits**

A. Health Insurance : Provides the employee- dependent (s) with major medical coverage to \$ 250,000, stop loss at \$ 5,000 and reimbursement at 80% of covered charges after satisfying the deductible.

B. Life Insurance: Provides the employee with coverage based on level of income with a minimum of \$ 15,000 and a maximum of \$ 60,000 in coverage. Additional coverage for spouse and dependant children that are at least 14 days old but less than their 19<sup>th</sup> birthday is also available.

C. Accidental Death and Dismemberment Insurance: Provides the employee coverage in \$ 10,000 increments up to a maximum coverage amount of \$ 100,000. Coverage is based on the annual income of the employee. Dependent coverage is also available.

D. Short Term Disability Indemnity.

E. Retirement Benefits: CIT offers Tax Sheltered Annuity and Investments through MassMutual Insurance.

There is also a Profit Sharing Plan available to all employees after one year of service – 100% vested after 4 years of service.

F. General Information: CIT also offers many other programs including:

- AFLAC
- CIT veterinary services
- Colonial Supplemental Insurance
- Continuing Education

### **6.1 Unemployment Compensation**

#### **A. Policy**

1. The Institute provides unemployment compensation coverage for its employees through its participation in the New Mexico State Unemployment Program.

2. Cost of the coverage is borne totally by the Institute.

**B. Eligibility**

Eligibility is determined by the New Mexico Department of Labor, Unemployment Insurance Bureau, based on the circumstances of the case and the provisions of the Unemployment Compensation Act.

**C. Procedure for Filing**

It is the responsibility of each Department to submit a completed Personnel Payroll Change Notice for each case of employee separation. Because the New Mexico Department of Labor, Labor Service and Unemployment Units, allow an employer only 5 days in which to respond to an unemployment compensation claim, it is important that these forms, plus any other pertinent information ( letter of resignation, discharge notice, etc.) be sent to the Human Resources Director immediately.

**SECTION VII: TAKING TIME OFF**

**7.0 Personal Leave Policy**

**A. My Time Off**

Beginning June 1, 2006, Crownpoint Institute of Technology will initiate a new leave policy called "My Time Off" that will apply to all employees. Under this policy, all employees eligible for accrual of annual and/or sick leave will be under a "blanket plan" that covers time off taken for illness, personal time or vacation. Requests for time off do not require employees to substantiate why they are taking leave time. Under the "My Time Off" plan, employees simply put in a leave request stating the number of days they are taking off and once it is confirmed that the employee has accrued adequate time to cover the requested leave, it is granted. If leave is for medical reasons, the employee simply calls their supervisor before or within 2 hours of the start of their shift and states they are taking leave time for that day. This will be noted by the supervisor and the employee will fill out a leave form when they return to work, it's that simple. Below is a chart that shows the number of days off each year and accrual rate for Regular Staff, Professional Staff and Faculty.

**Accrual Rate:**

All full time Staff and General Staff will accrue leave days as follows:

<u>Years of Service</u>	<u>Accrued Hours</u>	<u>Yearly Time</u>
First Year	3.70 hrs. bi-weekly	12 days
Second Year	5.54 hrs. bi-weekly	18 days
Third Year	7.40 hrs. bi-weekly	24 days
Fourth Year and over	9.54 hrs. bi-weekly	31 days

Full Time Professional Staff will accrue leave time as follows:

<u>Years of Service</u>	<u>Accrued Hours</u>	<u>Yearly Time</u>
First and Second Year	7.40 hrs. bi-weekly	24 days
Third Year and over	9.54 hrs. bi-weekly	31 days

Faculty will accrue leave time as follow:

<u>Years of Service</u>	<u>Accrued Hours</u>	<u>Yearly Time</u>
First Year and over	3.05 hrs. bi-weekly	8 days **

\*\* Based of 21 bi-weekly pay periods.

## **B. Time Charges**

Time charged to leave may not exceed the employee's accruals and shall be charged in one hour increments.

## **C. Earned Leave**

1. To earn leave for a given pay period, employees must be on paid status for a minimum of 64 hours.
2. An employee who has announced his/her intention to terminate may not take leave which would extend the termination date beyond the last day actually worked. The termination day should be the last day worked and employees should try and schedule all earned leave prior to the last day worked. Any leave time up to 40 hours not used by the last day worked will be calculated by the Financial Services Department and paid at the employee's straight time rate. Leave time in excess of 40 hours shall be lost if not taken by the employee's last day of work.
3. Leave may be accrued to a total of 40 hours. Any leave in excess of the 40 hours that is not taken by the end of the employee's contract term will be lost.

## **D. Accrual Rate**

Employees on their 90-day Evaluation Period are not permitted to use accrued leave during this time. Any absence during this period will be charged as leave without pay. Employees terminated before the end of their first 90 days of employment do not accrue nor will they be paid for any leave time. Leave taken which exceeds accruals will be taken as leave without pay.

## **E. Scheduling Leave**

1. While leave is normally scheduled in accordance with the employee's wishes, the Institute reserves the right to deny, change or reschedule leave in accordance with the needs of the Institute.
2. Leave Time is, for accounting purposes, taken in 1- hour increments.

## **F. Approval of Annual Leave**

1. Leave is only taken with the approval of the employee's immediate supervisor and must be requested on an official CIT Leave form.
2. Any exceptions to normal leave policy must be approved by the CIT President.

## **G. Payment for Annual Leave Time**

1. Payment for accrued leave time whether taken or paid out at the end of an employee's contract term is at the employee's straight time rate of pay.
2. When leave time includes a paid Institute holiday, that day is **not** charged as a day of leave.

## **H. Rehire or Reinstatement Policy**

1. While leave is not accrued during layoff or leave without pay periods, employees reinstated before the end of their employment contract will resume accrual at the same rate in effect at the time of their layoff or authorized leave without pay.
2. Employees rehired before the end of their employment contract for any reason other than layoff will resume accrual at the rate in effect at the time of termination.
3. Employees who are offered a new employment contract after the expiration of their contract of employment will be considered new employees for the purpose of leave accrual.

## **7.1 Military Leave**

### **A. General Policy**

Upon presentation of official military order, the Institute will grant military leave of absence to permanent employees during the time they are on active duty with the United States Armed Forces.

### **B. Services Covered**

1. The Armed Forces of the United States to include the Army, Navy, Marine Corp., Air Force and Coast Guard, the Public Health Service commissioned corp. as well as the reserve components of each of these services.
2. New Mexico Guard and New Mexico State Guard

### **C. Types of Active Duty**

Annual Duty for Training- Usually a two week period  
Local and National Emergencies- As deemed necessary for the situation  
Selective Service- Usually a two year tour of duty  
Voluntary Enlisted Service- Can be from two to four years or more.

### **D. Payment while on Military Leave of Absence**

1. When a military leave of absence is granted for training or a local emergency, the Institute will pay a military training allowance for lost time up to a maximum of 15 calendar days. Such training allowances will be paid at the employee's straight time rate of pay.
2. All other military leave for active duty other than training or local emergencies is leave without pay.

### **E. The Uniformed Services Employment and Reemployment Rights Act (USERRA) Defined.**

Under the provisions of the USERRA, the rights of employees who have served in the Armed Forces of the United States and returning to work are specifically defined. Within the framework of the USERRA

is included information as to who is Covered under the provisions of the Act; the eligibility requirements that must be met; The time limits put on an employee for returning to work: The Reinstatement Policy and the Benefit provisions provided under the Act.

For more details of the provisions of the USERRA or if you would like to discuss its provisions, please contact the Human Resources Department.

## **7.2 Leave with Pay**

Only the types of leave listed below shall be considered Leave with Pay. Leave with pay may only be used in an amount necessary to bring the employee up to the required number of hours in the work week. They will not be counted in determining overtime.

1. Inclement Weather Leave- Occasions when the Institute is declared closed by the President such as severe weather conditions or a local or national emergency. Employees required to work on these days will be granted compensatory leave time at the employee's straight time rate of pay.
2. Jury or Court Leave- An employee summoned for jury duty qualifications or for duty as a witness (other than plaintiff or defendant) is granted time off with pay for the time spent on such duty.
3. Voter Leave- An employee who is a registered voter is granted time off from duties to vote in a government election. Such time off within the daily work schedule is paid at straight time rate for up to a maximum of 4 hours.
4. Professional Leave- Leave for professional growth activities may be granted upon presenting a detailed, written explanation in conformance with the approved CIT Development Program and contingent upon the availability of funds. Final approval rests with the CIT President.
5. Paid Administrative Leave for Investigations or for Pending Serious Disciplinary Action- When an employee is under official investigation or when it is determined that the presence of the employee would be disruptive to the operation of the Institute, he/she may be placed on Paid Administrative Leave. This requires the Presidents approval, but in cases where such action is necessary and the President is not available, the employee's supervisor may place the individual on Administrative Leave until proper approval is obtained. Paid Administrative Leave for any reason shall not extend beyond 10 working days unless special authorization is granted by the CIT President. Leave extending beyond 10 working days shall be charged as LWOP.

## **7.3 Leave Without Pay (LWOP)**

### **A. General Policy**

The Institute may grant leave without pay for extended illness or injury, for personal reasons, for school attendance, family illness and other bona fide reasons. In case of extended illness or injury, leave of absence is only taken after all sick leave is exhausted.

### **B. Eligibility**

Only full time employees are eligible for LWOP

### **C. Length of Leave and Approval Required**

<b>Reason</b>	<b>Max Initial Time</b>	<b>Max Extension</b>	<b>Approval</b>
Extended illness, injury Or disability extending Beyond sick leave accrual	3 months	3 months	President
Personal Leave	1 month	1 month	President
School Attendance for Required courses or Degree program	6 months	6 months	President

#### **D. Procedure for Obtaining a Leave of Absence**

1. A payroll change notice (PCN) should be processed placing the employee on leave for the authorized period of time and should indicate the reason for the leave.
2. When the employee has been granted Leave Without Pay (LWOP) no PCN is required. The employee is required to show on his/her time sheet that time was LWOP.
3. In cases where the LWOP is for an unexcused absence or disciplinary action such as suspension, the absence should be documented by a memo to the employee with a copy to the Human Resources Director for record keeping purposes.

#### **E. Reinstatement**

1. While a Leave of Absence is not recommended or granted without the expectation of reinstatement, **reinstatement is not guaranteed.** Where practical, the Institute attempts to fill the employee's position with a temporary employee during the leave of absence, but does reserve the right to either eliminate the position or fill it with a permanent employee.
2. An employee returning from a leave of absence must request reinstatement prior to the expiration of the leave. An employee who fails to request reinstatement as prescribed will be considered a termination and treated as a resignation.
3. Reinstatement must be done through a Payroll Change Notice approved by the employees supervisor.
4. If, so any reason, the employee's position is no longer available and no similar position can be offered to the employee, the Institute has no further obligation to reinstate and the employee will be considered terminated by resignation.
5. Any employee returning from a leave of absence for an extended illness or injury is required to submit a doctor's statement certifying the employee is able to return to work.
6. No employee will be permitted to return to work without being cleared for reinstatement by the Human Resources Director.

## **7.4 Family and Medical Leave**

### **A. General Policy under FMLA**

The Family and Medical Leave Act of 1993 provides that covered employees be granted up to 12 weeks of unpaid, job protected leave for certain personal and family medical reasons. Although the Act does not specifically apply to Indian tribes nor is there case law holding that the Act is applicable to Indian tribes, CIT has chosen to extend the benefits of the Act to its employees. A copy of the FMLA is available to all employees in the Human Resources Department. The FMLA covers both male and female employees.

### **B. Requirements of the Family and Medical Leave Act**

1. Employees are eligible under FMLA if they have worked for the Institute for at least one year and for a minimum of 1250 hours over the previous 12 months. Temporary and part time employees are also eligible if they meet these criteria.
2. Employees are entitled to a maximum of 12 weeks of unpaid leave during any 12 month period including intermittent leave (taking off parts of days or a few days each week instead of one solid block of time). The Institute uses a rotating 12 month period to monitor an employee's entitlement. This means that the 12 week entitlement is measured based on the 12 months prior to the current leave.
3. An employee may use accrued annual leave and sick leave as part of his/her FMLA leave. In such instances, the FMLA entitlement will run concurrently with paid leave.
4. The Institute will maintain the employee's benefits during his/her leave.

### **C. Use of Family and Medical Leave**

An employee is entitled to take Family and Medical leave for the following reasons:

1. To care for a son or daughter (within the 12 month period following the child's birth).
2. Because of the placement of a son or a daughter with the employee for adoption or foster care.
3. To care for the employee's close relative, i.e. a spouse, son, daughter or parent, who has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

\* If the employee decides not to return to work following leave, except for personal medical reasons, he/she will be liable for the health insurance premiums paid by the Institute during his/her absence.

### **D. Serious Health Conditions Defined**

1. Serious Health conditions are defined as any illness, injury, impairment, or physical or mental condition that involves:
2. Any period of incapacity or treatment connected with in-patient care in a hospital, hospice, or residential medical facility: or

3. A period of incapacity requiring absence for more than 3 calendar days from work, school or other regular daily activities that also involves continuing treatment by or under the supervision of a health care provider: or
4. Any period of incapacity for pregnancy or prenatal care: or
5. Any period of incapacity or treatment therefore, due to a serious chronic health condition such as asthma, diabetes, epilepsy, etc.; or
6. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective such as Alzheimer's, stroke, terminal illness, etc. ; or
7. Any absences to receive multiple treatments and any periods of recovery that follow by or on the referral of a health care provider for a condition that would likely result in incapacity or more than 3 consecutive days if left untreated ( chemotherapy, dialysis, physical therapy, etc).

#### **E. Notification and Medical Certification**

1. Employees must submit a written request to take Family and Medical Leave. The employee should, if at all possible, provide 30 days advanced notice when the leave is "foreseeable". Medical certification is required on the form available in the Human Resources Department.
2. The Institute can and may require periodic reports during the leave period showing the employee's status and intent to return to work.

#### **F. Supervisory Notification**

When an employee has taken, but not requested leave time, that is more than 3 days in duration and they meet the qualifications for FMLA leave, the employee's supervisor must notify the employee in writing that their leave is being counted towards their FMLA leave time. A form memo is available for this situation in the Human Resources office.

#### **Return to Work**

When an employee returns from FMLA leave, he/she is entitled to be restored to the same or an equivalent job. An equivalent job is one with equivalent pay, benefits, duties, and responsibilities. The employee is not entitled to accrue benefits during periods of unpaid FMLA leave, but must be returned to employment with the same benefits at the same levels as they existed when leave commenced.

Upon return to work, the employee who took leave for personal illness or injury will be required to prove **fitness for duty** certification before being allowed to return to work.

### **7.5 Compensatory Leave Time**

**A. Definition:** Compensatory leave time is granted for work performed in excess of 40 hours in a standard work week and in lieu of overtime pay. **However, compensatory time is overtime and must be approved by the CIT President.**

#### **B. General Provisions**

1. Professional staff and other Exempt Employees may, in certain circumstances, be eligible for compensatory time with the approval of the CIT President.

2. General Staff (non-exempt) may be granted compensatory time as listed below:

Time off is equal to 1.5 times the number of additional hours worked in excess of 40 hours in a standard work week, provided the time off is granted within the same pay period it was earned; or if an agreement is reached between the Institute and the employee before any overtime is worked and the employee has not accrued more than 40 hours of compensatory leave. If the CIT President has approved overtime, it is the supervisor's decision, based on needs and priorities of the department to decide if paid overtime or compensatory time is to be granted. Compensatory time cannot be used if the employee requests paid overtime. It is the Institute's policy that compensatory time in lieu of paid overtime is **only to be used when absolutely necessary** in order to reduce an employee's time away from the jobs site.

3. Employees may accrue up to a maximum of 40 hours of compensatory leave time granted, but not earned. All compensatory leave time up to 40 hours not used by the end of an employee's contract of employment will be paid at the rate of 1 ½ times the employees standard hourly rate of pay. Any compensatory leave time over 40 hours not used by the end of an employee's contract term will be lost.

4. Time charged to sick leave, annual leave or holidays will not be considered straight time worked in computing compensatory time.

### **C. Recording Procedures**

Each department is responsible for maintaining records of compensatory time earned and used.

### **D. Authorization**

Compensatory time can only be authorized by the CIT President. Supervisors are requested to confer with the CIT President and Human Resources before using Compensatory time in lieu of paid overtime.

### **E. Use of Compensatory Leave**

1. An employee is required to use all compensatory leave time earned before using any other accrued leave.

2. If an employee has "more than" 8 hours of compensatory leave accrued, the supervisor, with approval from the CIT President, can request the employee to take a leave of absence to reduce the compensatory leave balance to no more than 8 hours.

## **SECTION VIII: WORKPLACE POLICIES, PROCEDURES AND SERVICES**

### **8.0 Physical Plant**

A. Employees are asked to notify Maintenance and Operations in writing whenever a maintenance or other problem relating to the physical plant ( buildings, outbuildings, equipment, etc) is observed. In an emergency situation, telephoned reports may be made, but should be followed up by a written report as soon as if feasible to do so. Maintenance Work Requests are available from the Support Services Office.

B. In order to conserve energy and keep costs down, please turn off all unnecessary lights.

C, Please keep all windows and doors closed when possible. All mechanical systems on campus operate more efficiently when doors and windows are closed

### **8.1 Fires**

A. If a fire is observed, pull a fire alarm lever. Notify maintenance and operations and the switchboard immediately. If you can do so safely, use a fire extinguisher to put out the fire.

B. When a fire alarm sounds on campus, all personnel must evacuate all buildings immediately. If time permits, instructors should lock desks and cabinets before leaving.

C. Fire evacuation routes are posted on campus locations and must be observed. The Institute regularly conducts fire drills on an unannounced basis.

D. When the danger is over, an All Clear will be given by courier.

### **8.2 Security**

A. Employees are reminded to secure all Institute owned equipment and facilities when their use terminates for the day.

B. Employees are advised not to leave personal property unattended in unsecured areas or when you are away at lunch or meetings.

C. Any thefts or losses must be reported promptly to the security service. A security person will contact the local law enforcement agencies and make an investigation. If a theft occurs, do not touch anything until it is cleared with law enforcement officials.

### **8.3 Keys**

A. Building, room, cabinet and desk keys are issued on an “as needed” basis through your supervisor or from the Support Services Department. Approved, written requests are required.

B. It is a crime to duplicate keys without prior, written permission. Any found with unauthorized keys to any Institute facility, office or desk will be subject to disciplinary and possible criminal action.

### **8.4 Equipment and Tools**

A. Private use of any Institute tools or equipment is strictly prohibited.

B. Tools and Equipment may be used for an extra-curricular activity by an employee with the approval of the CIT President.

C. Tools and Equipment may be used for field work relating directly to curriculum oriented field projects or for Institute related activities as determined by the President.

### **8.5 Non-School Use of Buildings and Grounds**

A. All applications for propose use must be make to the CIT President in writing. No CIT building or grounds may be used without written authorization by the President of his assignee.

B. Non-political, non-sectarian and non-commercial activities may be permitted rent-free at the Institute whenever the use of such buildings and grounds will not interfere with the regular programs of the

Institute. To cover utility, maintenance and other costs for use of the facilities, charges adequate to cover these costs shall be made by the Institute. Additional charges or a bond in lieu thereof may be made to cover unusual wear or breakage.

C. Other uses of campus buildings and grounds are permitted on a rental fee basis and with the written approval of the CIT President. A list of rental fees and rules can be obtained from the Business office.

## **8.6 Institute Vehicles**

A. Vehicles may be checked out from the Business Office on a first-come, first-served basis for use on Institute business only and if available at the time of request.

B. Reservations must be made at least 2 days in advance when out-of-town travel is involved. Written travel authorization is also required.

C. Institute vehicles are for official use only unless personal use is authorized by the President.

## **8.7 Use of Technology Resources**

A. In using CIT e-mail, internet, phones or any Institute software or hardware, the employee does so with the understanding that this technology has been provided by the Institute and is the sole property of the Institute.

B. All information produced and/or stored on an employee's computer is the property of CIT and as such, it is a crime to erase, delete, tamper with or otherwise destroy or damage any documents or files that reside on your computers hard drive or any devices or disks associated with an employee's computer. Anyone found guilty of any of the aforementioned acts, whether a current employee or one separated from the service of CIT are subject to disciplinary action and possible legal prosecution. If you are in doubt about the necessity of information that resides on your computer, please consult your supervisor, the Human Resources Director or the Information Systems Director. Individuals found to have knowingly deleted information as a retaliatory act against the Institute will be prosecuted to the full extent of the law.

C. Institute technology may not be used for personal, private or non-business matters. No communication will be permitted that might be construed as harassing or offensive to others.

D. The Institute reserves the right to review and audit all use of hardware, software, internet usage, e-mail correspondence either sent or received on Institute equipment or e-mail addresses. Employees have no right to privacy regarding materials stored, kept, sent or received on Institute hardware or software.

E. Employees are not to print, display, download or sent any sexually explicit images, messages, jokes or cartoons or visit any chat rooms, message boards or other forums where sexually explicit or offensive issues are discussed. Violation of this policy may result in disciplinary action up to and including dismissal.

F. Employees are forbidden to share passwords or provide access to any unauthorized user.

G. Any "Personal" hardware or software will be checked and approved by the Information Technology Department before being integrated on the computer environment of CIT. All hardware and software of any kind including proprietary documents are the sole property of CIT. This policy is enforced to reduce the problems of equipment and/or software failure, damage to data files and the introduction of viruses

into the CIT system. To restrict access to Crownpoint Institute of Technology's proprietary data files and/or applications and prevent virus transmissions, disks or tapes belonging to Crownpoint Institute are not to be used in personal home computers.

#### H. E-Mail Usage

1. E-Mail is an important method of communication for CIT employees. It is used for intra-office as well as outside communication with various organizations. While personal email may be received, it should be managed judiciously and on the employees own time.
2. Sending of email messages containing pornographic, lewd or violent content is prohibited.
3. Using e-mail for spamming or for distributing chain letters or other large, unnecessary mailings is strictly prohibited.
4. In order to limit inadvertent network and server problems, users are asked not to send emails to "all users" unless such mail is an important or urgent message that is necessary to the overall function of the organization.

### **8.8 Parking**

A. Employees wishing to park private vehicles on campus must register these vehicles with the Maintenance and Operations Department. They will issue a parking decal in order to use Institute parking facilities. Only unsecured parking is available and employees using Institute lots do so at their own risk.

B. Employee and Reserved Parking is designated by signs.

C. Escort service to ones car is available after 5 PM. Please contact the security service if you wish to be escorted to your car after dark.

### **8.9 Dangerous Substances**

Carrying, possessing or storing dangerous substances on campus is prohibited.

### **8.10 Weapons and Firearms**

Carrying, possessing or storing weapons and firearms on campus is prohibited. Exceptions to this policy are law enforcement officers that are authorized by the state and Navajo Nation laws to carry firearms and student participation in law enforcement instruction requiring the use of firearms and who are under the supervision of a certified law enforcement instructor.

### **8.11 Illness or Injury on the Job**

A. If a person is injured or becomes ill while on the job, provide or summon first aid assistance and take the following action as described below:

B. Life Threatening Situations: The Emergency Medical Technician, rescue squad (786-5291) will be called immediately. If it is known at the time of the call that transportation to a medical facility is necessary, the call to the rescue squad should indicate that an ambulance is needed. If determination is made after the arrival of the rescue squad, they will place the call for an ambulance.

C. Non-Life Threatening Situations: If medical care is deemed necessary and the injured or sick person is considered capable of rational judgment, but unable to drive, the person may:  
Request that an ambulance be called,  
Request that a relative be called  
Make other arrangements

D. The cost of transportation may be the responsibility of the sick or injured employee.

## **8.12 Grievance Procedure**

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to individual grievances which may arise regarding terms and conditions of employment.

### **A. General Provisions**

1. A grievance is a written complaint by an employee that he/she has been adversely affected by a violation of the Institute's policies and practices regarding the terms and conditions of his/her employment.
2. The term "grievance" and the procedures relevant thereto are not applicable in the following instances:
  - a. Disputes as to whether or not an established Institute policy or practice is good or otherwise. However, substantive allegations that Institute policies are in violation of applicable Federal, State, or Navajo Nation laws or regulations may be grieved.
  - b. Matters where another method of review is mandated by the law or by any rule or regulation of the Institute.
  - c. Alleged misconduct by the CIT President or the CIT Vice-President governed by Section 8.13 below.
  - d. Matters where the Institute is without authority to act or does not have the ability to provide a remedy.
  - e. The expiration of an employment contract with a stated term, whether or not another contract is offered for a separate time period.
  - f. Employees on probation, evaluation period and temporary employees, may grieve to Step 1 only. In such cases, the decision of the Step 1 respondent shall be final.

### **B. Grievance Committee**

1. Within fourteen (14) days of the beginning of the fall semester, the Grievance Committee shall be formed as follows:
  - a. The Faculty shall meet and select one representative to serve on the Committee, and one un-related alternate if the representative has a conflict of interest in a particular grievance.
  - b. The staff shall meet and select one representative to serve on the Committee, and one un-related alternate if the representative has a conflict of interest in a particular grievance.

- c. The CIT President shall appoint an administrative representative and an alternate to serve on the Committee.
2. The committee shall select a presiding officer and alternate from among its members. All three (3) members of the Committee shall constitute a quorum needed for a valid committee decision. The Committee may select a member or reliable third party to record its proceedings.
3. Members of the Committee shall serve a term of one (1) year or until their successor is selected the following fall semester. If a member of the Committee resigns or is unable to serve due to summer recess, etc., the selecting body may replace that member.
4. Every effort shall be made by administration to take the potentially time consuming responsibility of the members of the committee into account in the assignment of other institutional duties.

#### C. Informal Conference Required

1. No matter shall be submitted under the grievance procedure unless it has first been discussed by the employee with the employee's immediate supervisor in an attempt to resolve the matter informally.
2. Supervisors are encouraged to contact the Director of Human Resources for assistance in resolving issues.
3. Supervisors are encouraged to use the Navajo traditional peace making process as a means of resolving conflict where appropriate to the situation at hand.
4. The employee should keep a written note of such discussion(s) countersigned by the supervisor to verify the date(s) thereof.
5. If no resolution has been agreed upon within ten working (10) days of the initial discussion, the supervisor shall so notify the employee in writing, and the employee may proceed to Step 1 below.
6. Should the matter not be resolved informally as provided above, the employee may contact the Director of Human Resources for an explanation of the grievance procedure.
  - a. Employees are free to write their own grievance without consulting the Director of Human Resources.
  - b. Any other party may assist the employee in preparing the grievance.

#### D. Steps in the Grievance Procedure

1. Step 1
  - a. To initiate the grievance procedure, the employee must submit his/her grievance in writing to the level of supervision one step above the employee's immediate supervisor
    1. In the event a grievance is brought against the CIT President or the CIT Vice-President not governed by the misconduct procedures of Section 8.13 below, it shall be submitted directly to the Grievance Committee, which shall report its findings and recommendations, after due deliberation, directly to the Chairperson of the CIT Board of Directors.

2. In the event that a grievance is brought against an employee whose immediate supervisor is the CIT President, it shall be submitted directly to the Grievance Committee which shall hear the case and submit its findings and recommendations directly to the CIT President.
- b. The employee must submit his/her grievance within (10) working days of the failure of attempts to resolve the matter informally with the employee's immediate supervisor (i.e., Informal Conference).
- c. The grievance must include the following:
  1. Name and position of the grievant;
  2. Statement of the underlying facts, including the dates and alleged events or conditions which form the basis of the grievance;
  3. Nature of the grievance (i.e. how the employee believes he or she has been adversely affected);
  4. Identification of individuals (if known) whose actions or omissions resulted in the situation giving rise to the grievance;
  5. Identification of CIT policy or policies allegedly violated;
  6. Grievant's arguments supporting his/her claim; and
  7. The remedy being sought by the grievant.
- d. Supervisors or Department Heads must notify the Director of Human Resources and the Human Resource Technician within three (3) working days of the date on which a grievance has been received.
- e. The supervisor receiving the grievance shall conduct such investigation as is reasonably necessary to decide the matter.
  1. The investigation shall be initiated within five (5) days of receipt of the grievance, and shall be carried out within a reasonable period of time, but in no case should it take more than ten (10) working days after receipt of the grievance.
  2. Every effort shall be made to give priority treatment to grievances over routine administrative matters.
  3. The investigation shall begin with an informal conference with the aggrieved employee.
  4. Inquiries, interviews and findings of the investigation shall be documented in writing and transmitted with the record of the grievance to the next level of appeal or to the Human Resources office if the grievance is resolved at this level.
  5. Failure to adhere to the timelines herein may subject the supervisor(s) involved to corrective discipline for violation of official Institute policies and procedures.
- f. A decision shall be submitted in writing to the employee within 5 working days after conclusion of the investigation. It shall include at least the following:

1. A statement of whether the supervisor has found in favor of, or against the employee, either in part or in full, giving details of any portion for which the supervisor has found against the employee including evidence upon which this finding is based.
2. If a finding is made in favor of the employee, a statement of what remedy or remedies will be made to correct the conditions grieved, and the time period for doing so.

## 2. Step 2

- a. If the supervisor has found against the employee in whole or in part, that portion of the grievance may be appealed to the Grievance Committee.
  1. The appeal must be filed in writing within five (5) working days after receipt of the decision in Step 1. The written appeal shall be submitted to the Director of Human Resources who shall refer the appeal to the Grievance Committee.
  2. The employee may refuse the remedy or remedies offered for findings in his or her favor, but may not further grieve this part of the decision.
- b. The Grievance Committee shall review the full record of the grievance, and make the following determinations, written notice of which shall be delivered to the employee within five (5) working days of the filing of the appeal:
  1. Whether the remaining elements of the grievance are grievable under this policy.
  2. If grievable elements remain, whether the Committee will conduct a hearing to consider the grievant's appeal and make a decision or whether a hearing officer will be engaged to hear and decide the matter. The purpose of the hearing is to receive evidence concerning the grievance and to recommend to the CIT President a just resolution of the grievance.
- c. The Committee's decision to hold any element of the appeal not grievable is final, and may not be appealed.
- d. The Committee shall conduct the hearing within two (2) weeks of the filing of the appeal. After the hearing, the Committee shall formulate recommendations to the CIT President based upon the evidence presented at the hearing which shall be reduced to writing within ten (10) working days. A copy of the Committee's recommendations shall be hand delivered to the parties, including the grievant, in person or by certified mail, return receipt requested.
- e. If a hearing officer is engaged, the hearing shall be held within two (2) weeks of the Committee's decision to engage a hearing officer. After the hearing, the hearing officer shall formulate recommendations to the CIT President based upon the evidence presented at the hearing which shall be reduced to writing within ten (10) working days. A copy of the hearing officer's recommendations shall be hand delivered to the parties, including the grievant, in person or by certified mail, return receipt requested.
- f. The hearing shall be conducted in an impartial and fair manner. All parties to the grievance shall have the right to be represented by counsel and to present evidence and testimony of witnesses. Witnesses may be cross-examined by the parties and the members of the Grievance Committee or hearing officer. Upon completion of the testimony and submission of the evidence, the parties shall have the right to make a closing statement.

- g. Hearings will be electronically recorded. The cost for any transcriptions or tape copies will be borne by the requesting party. Tapes will be retained for one (1) year in the office of Human Resources.
- h. The recommendations of the Grievance Committee or the hearing officer shall be submitted to the CIT President, together with a record of the proceedings.
- i. Within ten (10) working days after receiving the recommendations of the Grievance Committee or the hearing officer, the CIT President will review the recommendations and render a final decision. The President's decision shall be in writing and shall state the reasons for the decision. The President's decision shall be sent to all parties. The President shall report his decision to the CIT Board of Directors at its next scheduled meeting. The decision of the President shall be final.

### **8.13 Procedures Regarding Misconduct by CIT President or CIT Vice-President.**

- A. CIT President. This section governs the procedures for reporting and resolving instances of known or suspected misconduct by the CIT President in the following areas:
  - 1. Fiscal misconduct.
  - 2. Harassment including but not limited to sexual harassment.
  - 3. Failure to faithfully and to the best of his ability, experience and talents, perform all of the duties of CIT President that may be required of and from him pursuant to the express and implicit terms of his Employment Agreement to the reasonable satisfaction of the CIT Board of Directors.
  - 4. Failure to implement a directive of the CIT Board of Directors and/or duly adopted policy of CIT.
  - 5. Failure to comply with a duly adopted policy of CIT.
  - 6. Failure to work cooperatively with CIT staff in implementing a duly adopted policy of CIT.
- B. CIT Vice-President. This section governs the procedures for reporting and resolving instances of known or suspected misconduct by the CIT Vice-President in the following areas:
  - 1. Harassment including but not limited to sexual harassment.
  - 2. Failure to faithfully and to the best of his ability, experience and talents, perform all of the duties of CIT Vice-President that may be required of and from him pursuant to the express and implicit terms of his Employment Agreement to the reasonable satisfaction of the CIT Board of Directors.
  - 3. Failure to implement a directive of the CIT Board of Directors and/or duly adopted policy of CIT.
  - 4. Failure to comply with a duly adopted policy of CIT.
  - 5. Failure to work cooperatively with CIT staff in implementing a duly adopted policy of CIT.
- C. Complaint Procedures.
  - 1. All complaints alleging misconduct by the CIT President or CIT Vice-President shall be submitted in writing detailing the nature of the alleged misconduct. The complaint shall be

submitted to the Director of Human Resources, who shall refer the complaint to the CIT Board of Directors. A copy of the complaint shall be provided to the CIT Board of Directors and the CIT President or CIT Vice-President. The Chairperson of the CIT Board of Directors shall confer with the members of the Board to determine if the alleged misconduct is included in the areas set forth in paragraph a) or b) above.

2. If the CIT Board of Directors determines that the complaint of alleged misconduct is included in the areas set forth under paragraph a) or b) above, the Board shall appoint an investigative team comprised of a member of the Board, CIT's legal counsel, and if determined appropriate, a disinterested third party, to conduct an investigation of the complaint and prepare a written report to the Board with their findings and recommendations. A copy of the report shall be provided to the CIT President or CIT Vice-President. All other complaints lodged against the CIT President or CIT Vice-President shall be addressed under the applicable procedures provided in this Employee Handbook and CIT Student Handbook.
3. The CIT Board of Directors shall afford the CIT President or CIT Vice-President with an opportunity to refute the findings and recommendations of the report during an executive meeting of the Board. The CIT President or CIT Vice-President may also respond to the report in writing. The CIT President or CIT Vice-President shall have the right to counsel.
4. The CIT Board of Directors shall consider the investigative team's report and the CIT President's or CIT Vice-President's response, and determine whether misconduct occurred. The decision of the Board shall be by majority vote. The decision of the Board shall be issued in writing to the CIT President or CIT Vice-President and shall include an evaluation of the report and the President's or Vice-President's response, findings of fact, the course of action that shall be taken, and the reasons supporting the decision. The decision of the Board shall be final.

#### **8.14 Worker's Compensation**

A. Policy: The Institute provides for medical treatment and wage compensation for an employee who sustains an injury or contracts a disease arising out of and in the course of employment. Eligibility and coverage's are as specified by the Navajo Nation Council. The compensation is coordinated by the Payroll Department, the Human Resources Department and is under the jurisdiction of the Navajo Nation Workers Compensation Act. A copy of the Act is posted throughout the campus and is available from the Human Resources office.

##### **B. Procedure**

1. Send or take the injured employee to a doctor or hospital immediately. Inform the doctor or hospital billing office that all bills for Institute work injuries should be submitted directly to the Institute.
2. All job related injuries which require medical attention, or which may require medical attention, must be reported to the Human Resources Department within 24 hours from the time the employee's supervisor was notified.
3. Accident reporting must be on the Supervisor's Report of Injury form. All departments should have these forms available.

##### **C. Compensation**

1. All bills for medical treatment and related items should be directed to the Business Office
2. The Navajo Nation Worker's Compensation Law wage provisions are as follows:
3. Wage compensation does not begin until the employee has missed 7 consecutive calendar days because of the injury or illness.
4. Checks will normally be received through the Navajo Nation Worker's Compensation Program.
5. If the period of disablement extends past the 28<sup>th</sup> day, the wage compensation will be paid for the first 7 days.

#### D. Institute Policy and Wage Provisions

When an employee misses 1 day or more because of a job related injury, the supervisor must report the absence to the Human Resources Director and Director of Finance.

Wages for the first 7 calendar days of disability will be paid from the employee's accrued sick leave.

Beginning with the 8<sup>th</sup> calendar day, any accrued sick leave will be used to augment Worker's Compensation Insurance at the rate of the time missed. However, the total compensation from both sick leave and Worker's Compensation may not exceed the employee's regular rate of pay.

If the period of disablement extends past 28 calendar days, two-thirds of the first week's sick leave payment will be deducted from the employee's regular pay to compensate for the insurance's delayed payment. When this deduction is made, the equivalent sick leave will be returned to the employee's leave accrual.

#### E. Return to Work

When a compensation injury or illness involves lost time, a medical release from the attending physician is required before the employee may return to work. If an employee is to return to work with a restriction in job activities, the return must have the approval of the Department Director or Dean. The Navajo Nation Workers Compensation Program has a formalized Return to Work Program (RTW) that has been developed to assist workers in their return to work. The plan calls for the development of clear goals and policies, designation of a program coordinator, identifying transition duty, developing standard forms, providing training to upgrade or reintroduce the employee to their job and lastly, a sound communication plan to convey information between employer and employee. A detailed copy of this RTW Plan is available at the Human Resources office.

## **SECTION IX: CURRICULUM, PUBLICATIONS, RECORDS AND RELATED ACTIVITIES**

### **9.0 Curriculum**

Recommendations, suggestions and creative ideas will be invited from faculty members, students and members of the student government. Department Chairs will submit recommended revisions to the Vice President and Dean of Instruction who, in turn, will make recommendations to the President.

### **9.1 Extracurricular Activities**

A. Importance: Activities outside the regular required curriculum are of great value to the students and are an important part of the overall education of the student. The Institute will offer a variety of activities based upon the availability of qualified sponsors.

B. Honorarium: The Institute provides an Honorarium of \$250 at the end of a semester to those employees who have sponsored an extra-curricular activity. Time spent in extracurricular activities must be outside the employee's assigned work hours. Such time will not count as work time.

Sponsors: Request for sponsors is made at the beginning of each semester.

### **9.2 Institute Publications**

A. Responsibility: Each employee is responsible for knowing the content of the Institute's Catalogs, Governing Board Policies and the Employee Handbook.

B. Other Publications: Other materials, pamphlets, brochures and handouts intended for distribution outside the Institute will be reviewed and approved by a publications advisory committee appointed by the President.

### **9.3 Surveys, Questionnaires and Research Projects**

A Approval Process:

1. Surveys, questionnaires and research projects involving staff or students shall be approved in advance and shall contain the name of the person(s) or organizations conducting the activity and the purpose thereof. Final approval for any such activities rests with the CIT President.

2. Studies conducted as a part of a CIT class project shall be approved by the Dean of Instruction and if the survey is to be administered across Departmental lines, by the Vice President or President.

B. Participation

1. Participant identification may be required only if essential to the result. Confidentiality shall be guaranteed.

2. Student and staff may be required to participate only if the study was prepared by or for the Institute for its official use or to meet a requirement of law. Participation in all other studies is voluntary and a statement to that effect shall appear on the instrument. For other than official CIT studies, class time may not be used.

## C. External Studies

Activities conducted by persons of organizations external to the Institute shall be submitted in advance to the President or his designee for review and approval of content and appropriateness.

### 9.4. Political Activities on Campus

A. Rights: The Institute recognizes that all employees have the right and obligation to be informed and active citizens and with other citizens, have the right to exercise their political responsibilities including voting. Discussing political issues, campaigning for candidates and running for and serving in political office.

B. Responsibilities: Campaign activities on school property are not permitted. Candidates for elective office or their representatives may contact the President's office to obtain information and policies

### 9.5 Examination and Release of Student Records

A. Purpose: School records pertaining to an individual student may only be used for the promotion or welfare of the student.

B. Regulations:

1. The examination of documents contained in a student record or release of information contained in a student record shall be in accordance with the Family Education Right and Privacy Act of 1994 and as may be amended thereafter. The President maintains an official procedure for these purposes, incorporating all provisions of the Act and regulations pertaining thereto.

2. Employees who are requested to release information about students should consult the updated list of official procedures to make sure that any release of information is in accordance with the law.

### 9.5 Examination and Release of Institute Records

A. Protection: Records dealing with individual employees are protected by Federal privacy laws and are not available to the public except by properly obtained court order or other judicial instruments.

B. Restrictions: Other business records not included in Section A above and records of actions by the Board of Directors may be examined by the public in the office of the President as follows:

1. Applications must be made in writing by a member of the public. At least two working days shall be allowed for the collection and production of the records requested.

2. The records shall be examined in the office of the President of the Institute.

3. Records made available under these provisions may not be removed from the premises above described.

4. If a member of the public desired copies of any records, a written request describing the records requested the number of pages therein and the number of copies requested shall be made at least two days prior to the requested delivery date.

5. Records for the public as herein provided shall be copied only by employees of the Institute.

6. Reproduction of non-print materials, if possible, shall comply with the above guidelines, as applicable

## **SECTION X : PROFESSIONAL DEVELOPMENT AND CERTIFICATION**

### **10.0 Certification and Recertification**

#### A. Requirement

All faculty members must hold current postsecondary teaching licenses acceptable to the North Central Association of Colleges and Universities for instruction in Associate of Arts or Science programs.

All other instructors in postsecondary education must hold current vocational certification through the Professional Development Plan issued by Crownpoint Institute of Technology as revised in February of 2006.

#### B. Re-Certification

All instructors required to hold vocational-technical certifications will maintain certification through participation in the Professional Development Plan outlined in section 10.1. Recommendations for certification will be made by the Institute on the basis of Satisfactory Progress on the individual Professional Development Plan.

### **10.1 Professional Growth and Development**

***Policy: Effective June 1, 2006, all CIT Faculty and Staff will come under the following Professional Development Plan revised guidelines.***

#### A. Faculty Participation

All full time instructors at the Institute will participate in the Institutes Professional Development Plan (PDP) in accordance with updated guidelines developed by the Institute and applicable requirements from the New Mexico State Department of Education –Regulations Division. The only exception to this policy is for Instructors at or approaching retirement as covered below in section 7.

1. Instructors in the Associates degree program or the Arts and Science degree programs who are paid on the faculty scale and have not yet been awarded a Master Degree that is both consistent with their instructional duties at the Institute and acceptable in meeting the advanced degree requirements necessary for the Institutes ongoing accreditation, are required to devote their Professional Development Plan *exclusively* to the pursuit of such a degree.
2. Instructors in programs other than the ones above who have not yet earned a baccalaureate degree are required to devote their Professional Development Plan to the pursuit of such a degree before involving themselves in other areas of professional or personal development.
3. Instructors who file a Professional Development Plan which has as its goal the earning of a baccalaureate degree or Masters degree directly related to the position occupied at CIT are eligible for the provisions outlined below.
  - a. An Instructor earning college credit toward a degree, upon proof of successful completion, shall be reimbursed tuition fees and book costs, provided such fees and costs do not exceed the tuition rates per credit hour charged at Colleges and Universities in New Mexico.
  - b. The credits which shall be reimbursed may not exceed 12 credit hours per year unless approved by the Dean of Instruction.

- c. All instructors enrolled in a degree program will be required to sign an agreement stating that for every \$ 3000 dollars towards a Bachelors degree and \$ 5000 dollars towards a Masters degree in reimbursed tuition fees, they must give the Institute one additional academic year of service or repay all monies spent by the Institute toward their degree. If an instructor leaves before the end of the additional year, they will be responsible for repayment of all tuition and book fees on a pro-rata basis.

If the Institute decides, for any reason other than for cause, not to offer the Instructor a new employment contract for the additional year of service, the agreement for repayment will be null and void and no money will be owed. Should an instructor be released for cause, the agreement will remain in force and the Instructor will be billed on a pro-rata basis for all tuition and book fees paid by the Institute.

3. Instructors who have met or exceeded their degree requirements and wish to prepare their Professional Development Plan to include seminars, non-credit college courses and workshops that are directly related to their course of instruction should submit specifics including cost of the program, travel, lodging, meals, etc. to the Dean of Instruction for approval. If budget restrictions do not allow approval of your PDP, you must submit an alternative plan to the Dean of Instruction within 30 days.

4. Part time instructors, instructional staff and adjunct faculty are encouraged to submit an Individual Professional Development Plan outlining goals for career development in a specific course of study, college courses, seminars, workshops, certifications, licenses, etc., that would be beneficial to both the individual and the Institute. This must be submitted to the Dean of Instruction for approval.

5. All Professional Development Plans are based on a 2 year plan of action and must be submitted no later than September 15<sup>th</sup>. New instructors must file their IPDP within the first 60 days of employment. While the IPDP is a 2 year plan and is necessary to adequately assess an individual's professional goals, acceptance of an individual's IPDP should not be construed as a contract of employment, nor does it expressly or impliedly constitute an offer of continuous employment beyond an individual's specified contract term.

6. Any Faculty or faculty staff member whose IPDP is denied must be given written notification as to the specifics of why it was not approved.

7. Instructors approaching retirement may substitute pre-retirement instructional activities such as financial courses for PDP activity provided they have:

- a. Submitted a resignation request to retire within one year.
- b. Have certification to cover this period.

## B. Staff and Regular Employee Participation

1. All Exempt Employees at Supervisor level and above must file a 1 year Professional Development Plan by September 15<sup>th</sup>. New employees hired at this level must submit their PDP during the first 60 days of employment. All managers are required to show, as part of their personal and professional growth, one seminar, certification class or workshop in management training or managerial techniques that would be beneficial to both the Institute and the individual's job performance. All such plans of study must be approved by the Department Director or Dean.

2. All Exempt Employees below the level of supervisor and all non-exempt employees are encouraged to submit a 1 year Individual Professional Development Plan with their immediate Supervisor. This plan

should include a course of study, either through ongoing education programs (either degree or vocational) along with on the job or workshop related programs that will enhance their professional expertise in their "specific job function". Any employee that is interested in taking courses or programs outside their job description must have these approved by the Director or Dean of their Department.

3. Participants in the IPDP program that choose to enroll in an Associates, Bachelors or Masters degree program must select a course of study directly related to their job description. Specific type of degree and full curriculum for the selected course of study must accompany the request. Approval for the degree program and time off to attend classes must be approved by the employee's Department Director or Dean. No more than 12 credits may be taken in any one year. Employees are urged to enroll in distance learning programs whenever possible to reduce the amount of time away from the job.

4. Employees approved for seminars, workshops or certification programs must submit a request for pre-payment of the function and all related expenses. Should pre-payment be denied for any reason, the employee will be responsible for paying all up front costs and submitting an expense report along with all applicable receipts to the Director or Dean of the Department for approval and payment.

5. An Employee earning college credit toward a degree, upon proof of successful completion, shall be reimbursed tuition fees and book costs, provided such fees and costs do not exceed the tuition rates per credit hour charged at Colleges and Universities in New Mexico. All employees enrolled in a degree program will be required to sign an agreement stating that for every \$ 3000 dollars towards a Bachelors degree or \$ 5000 dollars towards a Masters degree in reimbursed tuition fees, they must give the Institute one additional year of service or repay all monies spent by the Institute toward their degree. Should the employee leave CIT before the completion of the additional year, they will be responsible for repaying CIT all tuition and book costs on a pro rata basis. Should the Institute release the employee for any reason, other than for cause, before or during the additional one year of service, the repayment agreement shall be considered null and void. Should the employee be released for cause, the agreement will remain in force and the Employee will be billed on a pro-rata basis for all tuition and book fees.

6. All Non-Faculty Professional Development Plans are based on a 1 year plan of action and must be submitted no later than September 15<sup>th</sup>. New employees must submit their IPDP within the first 60 days of employment. While the Employee is asked to submit a plan whose length is 1 year in duration, acceptance of an individuals IPDP should not be construed as a contract of employment, nor does it expressly or impliedly constitute an offer of continuous employment beyond an individual's specified contract term.

7. Questions regarding an employee's IPDP can be directed to the Human Resources Director for interpretation and clarification. A copy of the newly revised PDP Guidelines for CIT can be obtained from the Human Resources Department.

#### C. Pay increase for Degree milestones.

1. Effective February 6<sup>th</sup>, 2006 the following policy is in effect for all qualified employees.

- Employees currently holding an Associates degree that can verify completion of 18 credit hours or more toward a bachelors degree in their current job area or teaching field will be entitled to a raise equal to one Grade level and at the current step level.
- Employees currently holding a bachelors degree that can verify completion of 18 credit hours or more toward a Masters degree in their current job area or teaching field will be entitled to a raise equal to one Grade level and at the current step level.

- Employees currently holding a Masters degree that can verify completion of 30 credit hours toward a doctorate degree in their current job area or teaching field will be entitled to a raise equal to one Grade level and at the current step level.

2. To qualify for the above increase, the employee must present original transcripts that can verify courses and credit hours along with written approval from their Department Head that the course of study does in fact comply with their current job description or field of teaching. These documents will be placed in the employees personnel file. Increases will become effective from the date of verification by the Human Resources Department.

## **SECTION XI : CIT POLICY ON A DRUG-FREE WORKPLACE**

### **A. Introduction**

This will serve as a statement of policy and as an official notice to all employees of the Institute regarding the maintenance of a drug-free workplace.

Each employee of the Institute shall be provided with a copy of this policy

The CIT Drug-Free Workplace Policy provides employees with information on

- The dangers of drug abuse in the workplace
- The provisions of the CIT Drug-Free Workplace Policy
- The penalties that will be imposed upon Institute employees for drug abuse violations
- The availability of counseling and rehabilitation services.

### **B. Dangers of Drug Abuse**

Drug abuse is a pervasive problem in the workforce in the United States, so much so that all agencies and companies that receive funding from the Federal government are required by law, through the Drug-Free Workplace Act of 1988, to maintain a drug-free working environment.

Drug abuse takes many forms, from the use of hard drugs such as heroin and cocaine to the misuse of prescription drugs and the use of alcohol.

Alcohol is one of the most widely abused drugs in the United States. According to the National Institute of Alcohol Abuse, in 2000, alcohol abuse cost companies nearly \$700 per employee in lost time and productivity amounting to more than \$ 250 billion dollars for all businesses across the country.

In order to make Institute employees aware of the dangers and wide spread occurrences of drug use, the Institute provides information to its employees on an ongoing basis through literature, films, training seminars and library holdings.

## C. The CIT Drug-Free Workplace Policy Details

It is the goal of the Institute to create a drug-free atmosphere in the workplace. The Institute pledges to support and uphold the laws of the Navajo Nation and the Federal Government.

The Institute is located on land under the governance of the Navajo Nation where it is unlawful to possess or hold "intoxicating liquors" or "controlled substances" as described in Title 17 of the Navajo Tribal Code, on land under the governance of the Navajo Nation. As such, this law prohibits the manufacture, distribution, dispensing, sale possession, storage or use of intoxicating liquor and controlled substances on any property owned by or on behalf of CIT.

It shall be a condition of employment for any employee of the Crownpoint Institute of Technology that the employee:

- a. Abide by the term of this policy
- b. Notify the President of the Institute of his/her designees of any conviction of themselves for a violation, occurring on or in any property owned by or on behalf of CIT, of laws pertaining to the manufacture, distribution, dispensing, sale, possession, storage or use of intoxicating liquors or controlled substances, within 5 days after such conviction.

### 1. Covered substances and prohibited Actions

The policy restricts certain specified substances and their related paraphernalia from being brought onto the Institutes premises and/or from being in an employee's possession while he/she is engaging in Institute business on or off the Institute's premises.

In addition, this policy prohibits all individuals who are impaired by lawful or illegal drugs and/or alcohol from reporting to work, coming into the workplace, remaining on the premises of CIT, or otherwise engaging in Institute business or activities.

#### ***The following are substances covered by the policy:***

- Alcoholic beverages of any kind
- Controlled and/or illegal drugs or substances which include all forms of narcotics, hallucinogens, depressants, stimulants, or other drugs whose use, possession or transfer is restricted or prohibited by law.
- Drugs prescribed by a physician, dentist or other person licensed by the state or federal government to prescribe or dispense controlled substances and/or drugs used in accordance with their instructions are not subject to the restrictions of this policy.

#### ***The following are prohibited actions under the policy:***

The following activities are prohibited while an employee is on the Institute's premises or otherwise engaged in Institute business. An employee who engages in such conduct is engaged in misconduct and subject to disciplinary action up to and including immediate dismissal or, as a condition of continued employment, the employee may be required to participate in and successfully complete drug or alcohol abuse counseling or a rehabilitation program as required.

- The manufacture, possession, use, sale, distribution, dispensing, receipt or transportation of any controlled substance or illegal drug
- The consumption of alcoholic beverages

- Being under the influence of alcohol, illegal drugs, or substances in any manner during working hours whether or not consumed on CIT premises and whether or not consumed outside of or during working hours; this also includes being impaired by lawfully prescribed drugs that have been abused
- Performing duties while under the influence of alcohol, controlled and/or illegal substances or drugs regardless of whether the employee is on or off the Institute's premises.

## 2. Testing on Reasonable Cause or Reasonable Suspicion

If there is any reasonable suspicion to believe that an employee may be impaired by drugs and/or alcohol on the job, or if the employee is found with drugs and/or alcohol, testing may be ordered. Reasonable suspicion exists when one's experience and training tends to indicate that a given person is under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to the following:

- Odor of alcohol on a persons breath
- Slurred or incoherent speech
- Staggering walk
- Loss of physical coordination.
- Bloodshot eyes
- Inability to successfully complete a field sobriety test
- Erratic behavior
- Unexplained or uncharacteristic irritability
- Excessive tardiness
- Poor work performance
- Excessive and/or unexplained absences from work

## 3. Procedures for Testing on Reasonable Cause

Step 1. In the event any employee has reasonable suspicion to believe that another employee may be impaired by alcohol and/or drugs while on the job, the employee's supervisor must be notified immediately. The supervisor shall notify the Alcohol and Drug Abuse Counselor in Student Services or in his/her absence, the Human Resources Director. The supervisor and either the Alcohol and Drug Abuse Counselor or the Human Resources Director shall together observe the employee's behavior and document any irregularities. If a test is ordered, each observer must document the specific indicators observed within 24-hours of the initial report.

Step 2. If reason suspicion exists, the employee will be asked to execute a written consent form for immediate alcohol and/or drug testing. Failure to consent to testing may be grounds for temporary dismissal or termination. If the employee is a probationary or temporary employee, failure to consent to testing will be grounds for immediate termination for cause.

Step 3. If reasonable suspicion exists, and consent is given, the employee shall immediately be transported for appropriate testing. Testing may include the use of breath, blood, and/or urine testing. The employee shall be transported by his/her immediate supervisor and/or the Human Resources Director or Alcohol and Drug Abuse Counselor to the testing site. The analysis of any samples collected will be performed by a laboratory selected by CIT.

Step 4. Following completion of testing, the employee will be placed on paid Administrative leave for Investigation and/or for Pending Serious Disciplinary Action until the results of the test are made available. The employee will be transported home from the test facility or the Institute following the test procedure.

Step 5. If testing discloses that the employee was not impaired by alcohol or drugs at the time of the test, the employee shall return to work. If the test discloses that the employee was not impaired at the time of testing, but did show trace amounts of alcohol or drugs, the employee shall be asked to return to work unless the presence of these substances is in violation of an agreed-upon treatment and/or return to work agreement. If the test discloses that the employee was impaired by alcohol or drugs at the time of the test, the employee may be placed on unpaid leave pending a decision on continued employment by the CIT President.

#### 4. Consequences of a First Positive Test or Violation

**Possible Termination for Cause.** If the result of a drug or alcohol test indicates that the employee was impaired while at work, the employee may be subject to immediate termination.

**Participation in a Treatment Program.** An employee who is not terminated after a positive test result shall be required to participate in an approved Drug or Alcohol treatment program as a condition for continued employment. Any employee who participates in such a program will be paid their regular hourly wage or salary when completing the screening and assessment part of the program. The employee will be placed on unpaid leave for the rehabilitation or treatment portion of the program. However, an employee may be permitted to use accrue sick leave and/or annual leave in lieu of unpaid leave during this phase of the treatment or rehabilitation. Upon successful completion of the program, the employee shall be permitted to return to his/her position. If the employee fails to complete the program for any reason, he/she will be dismissed for cause.

**Random Drug or Alcohol Testing.** If an employee has had a positive test for drugs and/or alcohol, and has not been terminated, the employee will be subject, without notice, to random drug and/or alcohol testing for a subsequent period of 2 years from the date of their initial positive test.

**Loss of Driving Privileges.** If the results of a drug or alcohol test indicate that the employee was impaired while at work, the employee shall not be permitted to operate any Institute vehicle for a period of 3 years, subject to review by the Institute President who may restore the employee's driving privileges after one year from the date of positive testing. The decision whether or not to restore an employee's driving privileges is discretionary on the part of the President and the Institute. Employees may not file a grievance to overturn a negative decision. Any employee with a take home vehicle will be permitted to take or use an Institute vehicle until the 3 year have elapsed from the date of positive testing.

#### 5. Second Positive Test or Violation. Immediate dismissal of the employee

#### 6. Off-premise Use of Alcohol, Controlled and/or Illegal Drugs or Substances

The following actions, although not occurring on Institute premises, are considered to endanger the Institute's reputation for honesty, integrity and safety:

- Indictment or conviction for a criminal offense related to the manufacture, distribution, possession, sale, use, dispensing, receipt or transportation of any controlled substances or illegal drugs; and any other actions involving alcohol, controlled and/or illegal drugs or lawfully prescribed drugs or substances that, in the opinion of the management, endanger the Institute's reputation for honesty, integrity and safety.

- Employees who become the subject of such action while performing Institute business during non-working hours and/or on Institute premises may be subject to disciplinary action up to and including immediate dismissal.
- Any employee who is convicted of a drug or alcohol related criminal offense may be terminated. Employees convicted of illegal distribution or sale of drugs will be terminated immediately.
- Employees who are indicted for or convicted of controlled substance related violations under state or federal law or who plead guilty or “nolo contendere” to such charges or have adjudication withheld under such charges must inform the President or Human Resources Director in writing within 5 days of such conviction or plea. Failure to do so will result in immediate dismissal from employment.

#### **D. Counseling and Rehabilitation Programs**

Employees with drug or alcohol dependency or abuse problems are encouraged to voluntarily seek counseling and appropriate referral for treatment.

Referral, treatment and rehabilitation costs may be covered through the CIT group insurance policy and through other available programs in the area.

Counseling and rehabilitation services for substance abuse problems are available through the Crownpoint Indian Public Health Services, the Navajo Department of Behavioral Health Services and other government agencies and organizations.

#### **B. Information**

Employees may obtain further information regarding this policy, referral programs and other related information by contacting the Human Resources Director and/or the Drug and Alcohol Abuse Counselor at CIT.

#### **C. Policy Enforcement**

CIT is committed to making this a safe and Drug-Free Workplace and as such, has adopted a **Zero Tolerance** position on the illegal use and sale of drugs and alcohol. It is for this reason that every employee is required to acknowledge in writing that they have read the content of the CIT Drug-Free Workplace Policy.