



# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

### TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
<b>BOARD OF COMMISSIONERS' WELCOME</b> .....	4
<b>CHAIRPERSON'S WELCOME</b> .....	4
<b>ACKNOWLEDGEMENTS</b>	
Receipt of Personnel Manual .....	5
Sovereign Immunity .....	6
Computer, E-mail, and Internet Use .....	7
Anti-Discrimination .....	8
Drug-Free Workplace .....	8
Safety and Incident Reporting .....	9
<b>A. GENERAL STATEMENT</b> .....	10
<b>B. ANTI-DISCRIMINATION AND HARASSMENT</b>	
General Statement.....	10
Equal Employment Opportunity (EEO).....	10
Harassment.....	10
Sexual Harassment.....	11
Definitions.....	11
Pre-Investigation Concerns.....	12
Investigations .....	12
Process .....	12
Confidentiality .....	13
Retaliation.....	13
<b>C. CODE OF CONDUCT</b>	
Conflict of Interest .....	14
Misuse of Housing Authority Resources .....	14
Reporting to the Board of Commissioners.....	14
Employees as Role Models.....	14
Political Activities.....	14
Confidential Information .....	14
Spokesman for the Housing Authority .....	15
Attendance at Board of Commissioners and Tribal Council Meetings .....	15
Nepotism.....	15
<b>D. WORKPLACE VIOLENCE PREVENTION</b> .....	15

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**E. DRUG-FREE WORKPLACE**

Philosophy.....	16
Policy .....	16
Legal Drugs.....	16
Illegal Drugs.....	17
Alcohol.....	17

**F. DRUG SCREENING**

Policy .....	17
Pre-Employment Testing .....	17
Random Drug and Alcohol Screens.....	18
Suspicion Testing.....	19
Post-Accident Testing.....	19
Under the Influence.....	20
Rehabilitation.....	20

**G. EMPLOYMENT**

Temporary Services/Agencies .....	20
Job Descriptions.....	21
Advertising and Recruitment .....	22
Eligibility for Employment.....	23
Application Processing .....	23
Screening of Applications.....	24
Interview Process .....	24
Tribal and Indian Preference.....	25
Hiring Decision.....	25
Criminal Background Investigations .....	26
Key Government Position Background Investigations.....	26
Driver’s License Requirement .....	27
Orientation of New Employees.....	28
On the Job Training Positions.....	28
Probationary Period .....	28
Extension of Probationary Period.....	29
Meetings, Workshops, and Seminars.....	29
Promotion.....	29
Demotion.....	30
Layoff and Recall.....	31
Transfer .....	31
Employee Classifications.....	31

**H. DISCIPLINARY ACTIONS**

Causes for Disciplinary Action.....	32
Progressive Disciplinary Action .....	33
Schedule for Work Improvement.....	35

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

<b>I. DISPUTES BETWEEN EMPLOYEES.....</b>	<b>35</b>
<b>J. COMPENSATION AND BENEFITS</b>	
Salaries and Wages .....	35
Pay Period .....	36
Payday.....	36
Timesheets .....	36
Payroll Withholding.....	36
Employee Benefits .....	37
Final Paychecks .....	37
Emergency Draws.....	38
Work Hours.....	38
Tribal Events and Committee Meetings .....	39
Work Breaks .....	39
Overtime .....	39
Exempt Personnel .....	40
Flextime .....	40
Absence from Work.....	40
<b>K. PAID TIME OFF, EXTENDED ILLNESS BANK, AND OTHER LEAVE</b>	
Paid Time Off (PTO) .....	41
Extended Illness Bank (EIB) .....	41
Common Rules Applicable to PTO and EIB .....	41
Eligibility .....	42
Accruals .....	42
Maximum Accruals.....	43
Conversion of PTO and EIB Upon Termination .....	43
Holidays and Pay .....	43
Jury Duty Leave.....	44
Bereavement Leave.....	44
Administrative Leave.....	45
Leave Without Pay.....	45
<b>L. FAMILY AND MEDICAL LEAVE.....</b>	<b>46</b>
<b>M. PERFORMANCE EVALUATIONS.....</b>	<b>51</b>
<b>N. TERMINATION OF EMPLOYMENT .....</b>	<b>53</b>
<b>O. PERSONNEL RECORDS.....</b>	<b>54</b>
<b>P. CONFORMANCE WITH ALL APPLICABLE LAWS.....</b>	<b>56</b>

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**BOARD OF COMMISSIONERS' WELCOME**

The Board of Commissioners of the Coquille Indian Housing Authority wants to extend you a welcome in joining the many fine and dedicated employees of the Housing Authority. We are both mindful and respectful of our Housing Authority, its endeavors, and the many persons who contribute to our efforts and the well-being of the Housing Authority. We are happy to have you join us.

The Personnel Manual sets forth the ways in which we attempt to follow our personnel practices. You are required to become familiar with the Personnel Manual as it applies to you as an employee.

We are looking forward to working with you as you join our team to serve the needs of the Coquille Indian Housing Authority.

Sincerely,

Board of Commissioners  
Coquille Indian Housing Authority

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**CHAIRPERSON'S WELCOME**

As Chairperson of the Coquille Indian Housing Authority Board of Commissioners, I am proud to be associated with so many caring and dedicated individuals. I hope that your employment with the Coquille Indian Housing Authority is meaningful, challenging, and rewarding.

This handbook sets forth many guidelines that we attempt to follow in our personnel practices. It is not meant to be a contract and is subject to change with limited notice. However, you should find it useful in understanding our current practices.

I look forward to working with you as we serve the needs of the Coquille Indian Housing Authority.

Sincerely,

~~Toni Ann Brend~~ Paul E. Doyle  
Chairperson

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**ACKNOWLEDGMENT AND RECEIPT OF PERSONNEL MANUAL**

The purpose of this handbook is to provide employees of the Coquille Indian Housing Authority with information regarding the personnel guidelines that the Housing Authority attempts to follow, but neither this handbook nor any provision of this handbook is an employment contract or any other type of contract. The Coquille Indian Housing Authority reserves the right to rescind, modify, or deviate from these or other guidelines, policies, practices, or procedures relating to employment matters from time to time as it considers necessary in its sole discretion, either in individual or Housing Authority-wide situations with limited notice.

I understand that I should consult my immediate supervisor or the Executive Director if I have any questions that are not answered in the Personnel Manual.

I became an employee of the Coquille Indian Housing Authority voluntarily. I understand and acknowledge that there is no specified length to my employment at the Coquille Indian Housing Authority and that my employment is at will. I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that "at will" means that the Coquille Indian Housing Authority may terminate my employment at any time, with or without cause or advance notice, as long as it does not violate federal or state laws.

I HAVE READ AND UNDERSTAND THE ABOVE STATEMENT AND AGREE TO READ THE PERSONNEL MANUAL WHICH I HEREBY ACKNOWLEDGE HAVING RECEIVED.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**SOVEREIGN IMMUNITY ACKNOWLEDGEMENT**

As a legal entity chartered under Tribal law and owned by the Coquille Indian Tribe, the Coquille Indian Housing Authority possesses sovereign immunity, which prevents courts, administrative agencies, governments, and other authorities from exercising jurisdiction over the Housing Authority or any of its officers or agents. The effect of this doctrine is that no person may bring any suit or claim against the Housing Authority, or impose any liability, unless the Board of Commissioners, the Coquille Indian Tribe, or the U.S. Congress has clearly and unequivocally waived the Housing Authority's sovereign immunity. Nothing in this Personnel Manual should be construed to waive the sovereign immunity of the Housing Authority or any of its officers or agents or in any other way authorize the filing of claims against the Housing Authority.

I have read and understand the above statement. I acknowledge the sovereign immunity of the Coquille Indian Housing Authority and understand that nothing in this Personnel Manual should be construed to waive the sovereign immunity of the Housing Authority or any of its officers or agents or in any other way to authorize the filing of claims against the Housing Authority.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**COMPUTER, E-MAIL, AND INTERNET USE ACKNOWLEDGEMENT**

Computer equipment, software, files, and e-mail and internet access furnished to employees are the property of the Coquille Indian Housing Authority intended for business use. Personal use of computers, e-mail, and internet access is permitted during lunch or work breaks with the condition that it is not misused and does not violate this policy. In order to ensure compliance with this policy, computer, e-mail, and internet use may be monitored.

The Coquille Indian Housing Authority strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the Coquille Indian Housing Authority prohibits the use of computers, e-mail, and internet in ways that are disruptive, offensive to others, or harmful to morale. This would include the display or transmission of sexually explicit images, messages, and cartoons. Other misuse includes, but is not limited to, the display or transmission of ethnic slurs, racial comments, off-color jokes, or any other material that may be construed as harassment to another person.

Employees should notify their immediate supervisor or the Executive Director upon learning of violations of this policy. Employees who violate this policy may be subject to disciplinary action up to and including termination of employment.

My signature below signifies that I have read and understand the Housing Authority's policy on computer, e-mail, and internet use.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**COQUILLE INDIAN HOUSING AUTHORITY  
PERSONNEL MANUAL**

---

**ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING  
OF ANTI-DISCRIMINATION POLICY**

The purpose of the anti-discrimination policy is to create a work environment free of bias, discrimination, and harassment. All employees should understand what behaviors constitute harassment and know how to make a complaint when an employee is a subject of or witness to harassment.

My signature below signifies that I have read and understand the Housing Authority's harassment policy contained in this Personnel Manual, and that I understand that I should report all incidents of harassment that I am subject to or that I witness, to ensure that the work environment at the Housing Authority is free from sexual bias, discrimination, and harassment.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING  
OF DRUG-FREE WORKPLACE POLICY**

My signature below signifies that I have read the Coquille Indian Housing Authority Drug-Free Workplace Policy in this manual. I understand that my failure to meet the standards outlined in this policy may result in discipline up to and including termination of my employment.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**ACKNOWLEDGEMENT OF SAFETY AND INCIDENT REPORTING PROCEDURES**

Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment.

If an on the job incident, accident, or injury occurs, employees must do the following:

1. Report all incidents, accidents, or injuries, no matter how slight, immediately to their immediate supervisor. If the supervisor is unavailable, the event must be reported to any supervisor higher up the chain of command. If the event occurs when no supervisor in the chain of command is available, then the employee must leave a message describing the event on the Executive Director's voice mail. In all instances, employees must report the event prior to the end of their work shift. *Failure to report an incident, accident, or injury may result in disciplinary action and loss of benefits.*
2. Assist his or her supervisor with preparation of an AMERIND Tribal Employee Injury Protection (TEIP) Supervisor's Report of Accident form.
3. If medical treatment is sought, notify his or her supervisor and the Executive Director as soon as possible to complete an AMERIND TEIP Employee Injury Report form.
4. Obtain a work release/capacities report from the physician on his or her first visit.
5. Immediately report the physician's findings to his or her supervisor and also return the completed work release/capacities report to his or her supervisor.
6. Immediately report to his or her supervisor any progress or findings after each subsequent physician's visit. A work release/capacities report should be obtained at each physician's visit and returned to the supervisor.
7. Report immediately to his or her supervisor, not later than the next scheduled shift, once a physician's work release is obtained.

I have read and understand the above statements and agree to comply with their provisions.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

---

### A. GENERAL STATEMENT

#### **Background and Intent**

The Board of Commissioners has stated its desire for the Executive Director to oversee Housing Authority operations, including personnel management matters; the Board of Commissioners shall intervene only when all other avenues of resolving issues have failed.

### B. ANTI-DISCRIMINATION AND HARASSMENT

#### **General Statement**

Every employee of the Housing Authority should be able to enjoy a work environment free of bias, discrimination, and harassment, including sexual harassment.

The Housing Authority will not tolerate discrimination or harassment based on age, color, creed, mental or physical disability, gender, marital status, national origin, political affiliation or membership, membership or non-membership in an employment organization, race, religion, sex, sexual orientation, or veteran status.

Every employee of the Housing Authority is prohibited from partaking in any form of discrimination or harassment, whether verbal, physical, or environmental. All allegations of discrimination and harassment will be taken seriously and investigated.

#### **Equal Employment Opportunity (EEO)**

Equal Employment Opportunity shall be assured in Housing Authority employment. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of Housing Authority personnel administration based on any of the above listed protected statuses is prohibited; except that members of the Coquille Indian Tribe and others ~~federally recognized Indian tribes~~ may be given preference pursuant to the Tribal and Indian Preference policy located in this manual in the Employment section. Selection of employees based on age, sex, or physical requirement is permitted where such qualification constitutes a Bona Fide Occupational Qualification (BFOQ) necessary for proper and efficient job performance.

#### **Harassment**

Harassment includes a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. The conduct need not be sexual: profanity or rudeness based on gender could constitute harassment. Harassment also includes, depending on the circumstances, subtle or overt pressure for sexual favors; sexual jokes, innuendo, or propositions; graphic

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

commentary about an individual's body, sexual prowess or deficiency; leering, whistling, suggestive pictures; and other physical, verbal, or visual conduct of a sexual nature.

Harassment includes the display or circulation of written materials or pictures degrading to any of the above listed status groups, and verbal abuse or insults directed at or made in the presence of a member of any above listed status groups. Harassment also refers to behavior that is personally offensive, impairs morale, or interferes with the work effectiveness of any other employee. Any harassment of an employee, including but not limited to sexual harassment, by any other employee or officer of the Housing Authority is strictly prohibited, regardless of their working relationship.

**Sexual Harassment**

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission or rejection to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission or rejection to such conduct is used as the basis for employment decisions affecting an individual (such as recruitment, examination, appointment, training, promotion, transfer, or any other aspect of Housing Authority personnel administration), or,
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Definitions**

Any employee who believes he or she has witnessed or been subjected to or is aware of or affected by discrimination and/or harassment, sexual or otherwise, is referred to as the "complainant" in this procedure.

The complainant, the accused employee, and any witness are considered "interested parties" in this procedure.

No person may take part in investigating or making decisions related to an allegation of harassment or discrimination if he or she is an "immediate family member" of a complainant or an accused employee. For this subparagraph, immediate family member means spouse, domestic partner, child, stepchild, parent, stepparent, sibling, stepsibling, grandchild, grandparent, great-grandparent, aunt, uncle, niece, nephew, first cousin, mother-in-law, father-in law, sister-in-law, brother-in-law, or member of the employee's household. ~~father, mother, son, daughter, husband, wife, brother or sister, or any other person living in the same household.~~

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Pre-Investigation Concerns**

Prior to an in-house investigation of alleged sexual harassment, a determination must be made as to whether or not any criminal activity has allegedly occurred.

In cases where criminal activity has allegedly occurred, the appropriate police department will investigate the allegations.

The internal investigation pertinent to the allegations of sexual harassment will be placed on hold until the criminal investigation has been completed.

**Investigations**

The Housing Authority will investigate each reported instance of alleged discrimination and/or harassment. At the conclusion of such investigation, a decision will be made by the proper Housing Authority official, referred to in this policy as the “Acting Decision Maker”. In most instances the Executive Director will investigate, make conclusions regarding allegations, and be the Acting Decision Maker. However, some situations might require appointment of a different person to investigate and/or serve as Acting Decision Maker. These situations include, but are not limited to, when:

- The Executive Director is an interested party;
- The Executive Director directly supervises an interested party or has a conflict of interest;
- The Executive Director is under the chain of command of an interested party; or,
- The Executive Director requests not to be the investigator.

In any of these situations, the Board of Commissioners shall appoint an investigator or Acting Decision Maker, as appropriate. The Board of Commissioners may serve as the Acting Decision Maker.

**Process**

Any employee who believes he or she has been subject to discrimination and/or harassment, sexual or otherwise, should make it clear to the offender that such behavior is offensive to them. In addition, a written follow-up report of their concerns must be made to the Executive Director or a member of the Board of Commissioners with whom the employee feels comfortable.

Any employee who believes he or she is aware of discrimination and/or harassment, sexual or otherwise, is encouraged to make it clear to the offender that such behavior is offensive to them.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

In addition, his or her concerns should be reported to the Executive Director or a member of the Board of Commissioners with whom the employee feels comfortable.

The Executive Director or Board of Commissioners member will explain the internal processes and answer any questions the complainant may have and ensure the complainant's concerns are forwarded to an authorized investigator.

When necessary, the Executive Director or Board of Commissioners member will consult with the Tribal Chief of Police to determine if a criminal investigation needs to be conducted. When a criminal investigation needs to be conducted, it shall be completed before further action is taken on the alleged personnel matter of sexual harassment.

If further action is necessary, the Acting Decision Maker will have full power to investigate in the manner that he or she sees fit. An authorized investigator will then investigate all complaints. The Acting Decision Maker will seek conciliation or an informal settlement that is satisfactory to the parties concerned. When the investigation is finished and the authorized investigator is a person other than the Acting Decision Maker, the investigator shall prepare a written report to the Acting Decision Maker. The Acting Decision Maker will issue a final decision and recommendation for appropriate corrective action in writing to the complainant and the accused employee, and shall keep all other internal documents confidential.

**Confidentiality**

Confidentiality will be maintained to the greatest extent possible. The Acting Decision Maker will inform all accused parties of the factual allegations and provide them with an opportunity to respond to all charges. The substance of investigations will remain confidential, but the outcome of any investigation will be shared with the complainant, the alleged victim, and the accused. Parties and all employees are prohibited from disclosing the results of the investigation or parts thereof, except to the investigator, the Acting Decision Maker, or the accused employee's supervisor.

**Retaliation**

Employees who make a good faith effort to report or assist in an investigation of a harassment or discrimination complaint will not be subjected to retaliation or penalized in any way. Violations of this provision should be reported to the Executive Director or a member of the Board of Commissioners with whom the employee feels comfortable. Any employee found to have violated this retaliation prohibition will be subject to appropriate discipline, up to and including immediate termination.

**C. CODE OF CONDUCT**

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Conflict of Interest**

Employees shall engage in no activity that would create a conflict of interest. Employees shall not engage in substantial business with the Housing Authority without the prior approval of the Board of Commissioners.

**Misuse of Housing Authority Resources**

No employee shall misuse the resources of the Housing Authority for his or her personal gain. The use of paid time, supplies, and equipment, such as computers, fax machines, copy machines, addressing machines, and other kinds of equipment normally used in the daily operations of the Housing Authority, shall not be misused. While it is recognized that today's life is complex and employees in the workplace may occasionally need to take care of personal business from their workstation, such as use of the telephone for making appointments and communicating with others about necessary personal arrangements, the intent of this policy is that Housing Authority resources not be misused for personal business.

**Reporting to the Board of Commissioners**

All employees normally shall report to the Board of Commissioners only with the approval of their immediate supervisor and the Executive Director, except for discrimination complaints, which may be brought to individual members of the Board of Commissioners without the approval of their immediate supervisor or the Executive Director. Employees may bring any other serious matter to the attention of any member of the Board of Commissioners after it has been brought to the attention of the Executive Director.

**Employees as Role Models**

Each employee is expected to conduct him or herself in such a way as to be a positive role model for the community.

**Political Activities**

Employees shall not engage in political activities of any nature while on the job or acting as a representative of the Housing Authority. Nor shall employees attempt to influence personnel management decisions by bringing pressure on public officials.

**Confidential Information**

Employees are not to disclose privileged information about housing program applicants or participants, personnel actions, property acquisitions, or Housing Authority financial transactions, except for the Housing Authority budget and annual audit, without authorization by the Executive Director or the Chairperson of the Board of Commissioners.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Spokesman for the Housing Authority**

Employees may not assume the role of spokesperson for the Housing Authority unless directed to do so by the Executive Director or the Chairperson of the Board of Commissioners.

**Attendance at Board of Commissioners and Tribal Council Meetings**

Employees are encouraged but not required to attend meetings of the Housing Authority Board of Commissioners. Employees will attend meetings of the Housing Authority Board of Commissioners when requested to do so by the Executive Director or Board of Commissioners. The Executive Director will attend all Board of Commissioners meetings unless excused by the Board of Commissioners. Staff shall give oral and written reports as requested.

**Nepotism**

Supervision of an immediate family member by another is specifically prohibited. For this subparagraph, immediate family member is defined as an employee's spouse, domestic partner, child, stepchild, parent, stepparent, sibling, stepsibling, grandchild, grandparent, great-grandparent, aunt, uncle, niece, nephew, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, or member of the employee's household. ~~parent, grandparent, brother, sister, spouse, parent in-law, brother in-law, sister in-law, stepparent, or child.~~

**D. WORKPLACE VIOLENCE PREVENTION**

The Housing Authority is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Housing Authority has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary workers, should be treated with courtesy and respect at all times. Employees are expected to refrain from any conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee or a member of the general public at any time will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or Executive Director. This includes threats by employees as well as threats by customers, vendors, or other members of the public.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

The Executive Director will promptly and thoroughly investigate all reports of threats of (or actual) violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as practical. In order to maintain workplace safety and the integrity of its investigation, employees may be suspended either with or without pay pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

### **E. DRUG-FREE WORKPLACE**

#### **Philosophy**

The Housing Authority has a strong commitment to our employees, customers, and the community where we work, to provide a drug-free working environment. Therefore, it is the position of the Housing Authority that any use of alcohol or other mood altering substances, including those known as designer drugs, in the workplace, or being under the influence as defined by this policy while working is unacceptable.

Our customers and patrons have the right to be served by someone who is not under the influence of alcohol or other drugs including those known as designer drugs and prone to making errors in performance or judgment.

In addition, when employees are in travel status, the Housing Authority has an obligation to protect the public from any employee who is possibly impaired by the abuse of alcohol or other mood altering substance, including those known as designer drugs.

#### **Policy**

Employees of the Housing Authority will be subject to discipline up to and including termination for the use, possession, sale, attempted sale, purchase, attempted purchase, transfer, attempted transfer, or being under the influence of alcohol or other mood altering substances while on Housing Authority premises or conducting Housing Authority business. The only exception to this prohibition is covered under legal drugs.

#### **Legal Drugs**

Legal drugs are those drugs which may be obtained over-the-counter or have been prescribed by an employee's licensed practitioner, physician, or dentist, other than cannabis/marijuana. To maintain legal status under this policy the following criteria must be met:



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

- The employee uses the substance only as directed, and
- The employee must notify his or her immediate supervisor that he or she is taking medication that has the potential to adversely affect safety.

**Illegal Drugs**

Illegal drugs are those mood altering substances as outlined in the Oregon Revised Statutes whose sale, purchase, transfer, use, or possession is prohibited or restricted by law. In addition, illegal drugs and substances include:

- Cannabis~~Marijuana~~, whether prescribed or not;
- Drugs which are legally obtainable but have been obtained illegally; and,
- Drugs that have been obtained legally but used in ways other than directed.

**Alcohol**

Reporting to work or returning from breaks, including lunch, under the influence of alcohol is prohibited. In addition, engaging in the use or possession of alcoholic beverages on Housing Authority property or on Housing Authority business is also prohibited.

If alcohol is consumed by an employee of the Housing Authority, he or she may not under any circumstances drive a motor vehicle or operate Housing Authority equipment. Failure to comply with this rule is grounds for discipline up to and including termination of employment.

**F. DRUG SCREENING**

**Policy**

The Housing Authority has established the following policy for drug and alcohol testing among its employees.

The Housing Authority reserves the right to require saliva, urine, breath, and/or blood samples in any of the following situations. In cases when an employee has been suspended pending the results of an alcohol/drug test, it is the employee's responsibility to contact the Executive Director for test results.

**Pre-Employment Testing:** All new hires shall be scheduled for chemical testing as part of the pre-employment evaluation and orientation process. Chemical testing clearance shall be completed no later than the first day on the job and before any work assignment is given. Positive and/or altered test results without sufficient explanation on the substance use and consent form

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

---

shall be grounds for disqualification of employment with the Housing Authority. A new application may be submitted after 120 days have passed. Thereafter, proof of wellness shall be required before reconsideration for employment. The employer will bear the cost of this testing.

**Random Drug and Alcohol Screens:** Because all employees of the Housing Authority interact with program participants and applicants and hold positions involving the Housing Authority's trust, security, and public image, the Board of Commissioners has determined that random drug and alcohol testing of employees of the Housing Authority is a key strategy to stop and prevent drug and alcohol abuse and that it is vital to institute a random drug and alcohol testing policy. The Housing Authority has determined that this policy is necessary to protect the health, welfare, safety, and economic security of the Housing Authority and those it serves. The following guidelines have been developed to ensure that employees will be selected for random drug and alcohol screening by a process which is objectively random and that the range and frequency of screening be minimally intrusive in light of CIHA's interest in providing a drug and alcohol free workplace for its community and its employees.

The Executive Director shall institute a random drug and alcohol screening program for all Housing Authority employees. The Executive Director shall develop processes to ensure the random selection of employees under this policy and describing the range of testing intervals and the number range of employees selected. Employees selected for testing must submit to screening procedures immediately after notification. If a selected and notified employee refuses to submit to the testing or to comply as soon as possible, he or she shall be subject to immediate termination for insubordination. CIHA shall pay for all costs related to drug and alcohol screens.

### **Random Drug and Alcohol Screening Procedures**

1. The annual rate for random drug and alcohol screening of employees of the Coquille Indian Housing Authority shall not exceed 30% of employees subject to the policy.
2. The selection of employees for random drug and alcohol screening shall be made by a method that will ensure that each covered employee has an equal chance of being selected for screening each time selections are made. This process will be administered by the Executive Director or his/her designee.
3. Random drug and alcohol screening shall be unannounced and shall occur on a regular basis throughout the calendar year.
4. Employees shall be notified of selection for random drug and alcohol screening by the employee's supervisor or other person in the employee's chain of command or the Executive Director.
5. The employee shall be escorted to the testing location by the employee's supervisor or other person in the employee's chain of command, or the Executive Director or his/her designee as soon as possible after notification of selection.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

6. The results of the random drug and alcohol screening shall be made available exclusively to the Executive Director and/or his or her designee who will report positive screen results to the employee and his or her supervisor for necessary action. All efforts shall be made to assure the employee's privacy regarding the administering of the drug and alcohol test and the reporting of the results. In cases involving second violation(s) of the Drug and Alcohol Free Workplace Policy as provided herein, the Executive Director shall notify the employee's supervisor of the results of the random drug and alcohol screen. No other person or department shall be notified of the results of the screen by the Executive Director and/or his or her designee, except those Housing Authority officials, employees, or representatives who have a legitimate need to know this information in order to perform the duties of their positions. However, an employee may share the results of his or her random drug and alcohol screen with any person at his or her discretion.

**Suspicion Testing:** All employees may be required to take a saliva, urine, breath, and/or blood test when it is determined that there is reasonable suspicion that the employee in question is not free of the effects of alcohol and other drugs, based on his or her behavioral conduct. Examples of such behavior include, but are not limited to:

- Smell of alcohol;
- Incoherent or slurred speech;
- Temper tantrums/unusual mood swings/confusion;
- Patterns of absenteeism;
- Accident resulting in personal injury requiring medical attention;
- Accident resulting in property damage; or,
- Unsafe handling of equipment or tools.

Under provisions of this policy, if suspicion exists and this suspicion is substantiated by at least one other manager/supervisor, then the employee may be requested to submit to alcohol and/or drug testing. Compliance with such request becomes a condition for continued employment and any employee refusing to submit to this request shall be subject to immediate termination for insubordination. The employer will bear the cost of this testing.

**Post-Accident Testing:** Any employee involved in a work-related accident or incident that did or could have resulted in serious injury or property damage will be directed to submit to drug and alcohol screening. Anyone found to be in violation of this policy, including anyone found to be under the influence or in possession of alcohol or Illegal Drugs while performing duties for CIHA, will be subject to corrective action up to and including termination of employment.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

When an employee receives outside medical services for the treatment of injuries caused by a work-related accident, or there have been property damages caused by a work-related accident, the employee will be required to submit to a drug and alcohol screen. The employer will bear the cost of post-accident drug and alcohol screening.

**Under the Influence**

For purposes of this policy the following definitions apply for being under the influence.

**Illegal Drugs:** Because this policy is a zero tolerance policy, if an employee is found to have any amount of an illegal substance present in his or her body, he or she is under the influence.

**Legal Drugs:** When an employee is discovered to have a legal substance present in his or her body, but the drug has either been obtained illegally (not medically prescribed) or the amount present exceeds a normally prescribed amount, then the employee is considered to be under the influence. An employee is also considered to be under the influence if it is found that any alcohol is present in his or her body.

**Rehabilitation**

Based on the Housing Authority's status as an at will employer, employees discovered to be in violation of this policy are subject to discipline up to and including termination. Further, employees discovered to be in violation of this policy may also be asked to undergo a drug assessment and, if recommended, appropriate treatment as a condition of continued employment with the Housing Authority.

The cost of the assessment and related treatment, including aftercare, shall be borne by the employee. If found appropriate, the employee must successfully complete the recommended inpatient and/or outpatient treatment including required aftercare. In addition, the employee will be required to sign an agreement that further outlines conditions for continued employment. Failure to sign this agreement will be considered insubordination and grounds for immediate termination, based upon the Housing Authority's status as an at will employer.

**G. EMPLOYMENT**

**Temporary Services/Agencies**

Approval must be obtained from the Executive Director prior to contacting any temporary employment service/agency or job candidate.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

A person being considered for employment through temporary employment services/agencies will be considered following the Preference Order established in the Tribal and Indian Preference section of this policy.~~in the following priority order:~~

- ~~1. Member of the Coquille Indian Tribe.~~
- ~~2. Member of another federally recognized Indian tribe.~~
- ~~3. Spouse of a member of the Coquille Indian Tribe.~~
- ~~4. Spouse of a member of another federally recognized Indian tribe.~~
- ~~5. Veterans.~~
- ~~6. All others.~~

The manager who is requesting authorization for hiring through a temporary employment service/agency shall provide to the Executive Director, at the time of his or her request for authorization to hire, a brief statement which includes the following:

- Major tasks and functions the person is to carry out;
- A statement as to why these tasks and functions do not fit with a current job description or the modification of a current job description;
- The estimated length of time that this person would be working through the temporary service/agency;
- The rationale as to why the manager is requesting this form of filling the organization's needs as opposed to creating a staff position; and,
- Which budget will support the activity and what the estimated cost is.

The Executive Director will determine the appropriate rate of pay for the temporary person by consulting with the appropriate supervisor. The Executive Director shall make all arrangements with temporary services/agencies and arrange for all temporary persons to complete a criminal background check and drug screening.

**Job Descriptions**

The Executive Director has the authority to approve all revised job descriptions necessary to implement the work of the Housing Authority and to promote Housing Authority goals. When drafting job descriptions, consideration shall be given to the skills, training, and experience of the Tribal community, in order to ensure that Tribal members and their families have an equal and fair

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

---

opportunity to obtain employment with the Housing Authority to the greatest extent possible without jeopardizing the Housing Authority's organizational needs.

The Executive Director shall present all new job descriptions to the Board of Commissioners for approval. Funding for the positions will be determined prior to presentation to the Board of Commissioners. All new and revised written job descriptions shall include at a minimum the following:

- Position title;
- Job duties and responsibilities;
- Minimum and preferred qualifications for the position;
- Lines of authority and reporting requirements of the position;
- Exempt or non-exempt position;
- Position's beginning wage/salary and grade level on the Housing Authority's salary scale;
- Pre-employment drug screen requirement; and,
- Pre-employment criminal background check requirement.

The Executive Director will coordinate with the Accounting Services Coordinator in ensuring that there is adequate funding for any additional positions and shall identify the funding source prior to any advertising or recruitment.

### **Advertising and Recruitment**

Advertising and recruitment shall be conducted consistent with the Tribal and Indian preference policy set out in this Personnel Manual. Advertising and recruitment consists of two stages, in-house and to the general public. Positions shall be posted for a period of not less than 10 calendar days in-house. If no qualified applications are received through the in-house advertisement, advertisement to the general public shall occur. In some instances, advertising and recruitment may occur simultaneously in-house and to the general public to save time and money. However, in all instances, in-house qualified applicants shall be considered first, provided that such consideration shall be conducted in a manner consistent with the Tribal and Indian preference policy set out in this Personnel Manual.

**In-House:** Consists of ~~first~~ advertising all job openings through internal Tribal communications channelsthe Tribal newsletter, and postings calculated to reach employees of the Housing Authority ~~and its subentities,~~ the Coquille Indian Tribe's ~~offices and its subentities,~~ and other Tribal entitiesthe Coquille Economic Development Corporation and its subentities.

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

---

**General Public:** Consists of advertising to the general public. The determination of where to advertise the position vacancy (locally and/or out of the area) is determined by the Executive Director.

**Exceptions:** Advertising and competitions may be waived when hiring temporary employees. Advertising requirements may be waived when deemed an emergency by the Board of Commissioners or Executive Director.

### **Advertising and Recruitment Procedure**

A job announcement letter shall be prepared by the Executive Director or his or her designee. A copy of the job description shall be attached to the letter and advertised in accordance with the Housing Authority's advertising and recruitment policy above. The announcement letter shall include:

- Position title;
- Submission dates and deadline for receipt of applications;
- Housing Authority contact person; and,
- Mailing address, telephone number, e-mail address, and fax number for submission of applications.

### **Eligibility for Employment**

All persons shall be considered eligible for employment without regard to race, gender, age, religious belief, color, creed, mental or physical disability, gender, marital status, national origin, sex, sexual orientation, source of income, veteran status, political affiliation or belief, or membership in an employment organization. Other eligibility criteria may apply.

### **Application Processing**

All persons meeting eligibility criteria, who apply for positions with the Housing Authority, shall be afforded an opportunity to be considered for the position for which they have applied. Applications shall be handled in the following manner with the exception of positions hired by the Board of Commissioners:

1. Each application will be marked with a stamp showing the date of receipt. Each application will be reviewed for completeness in response to the vacancy announcement requirements.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

2. A file shall be created for each job opening that shall contain all applications, (both qualified and non-qualified), copies of the interview questions and scores, copy of the job description, and copy of job announcement.
3. Copies of the applications will be made for the review and screening process.

**Screening of Applications**

The Executive Director and/or the appropriate manager shall pre-screen all applications to ensure that they meet all eligibility criteria in the job description and under Tribal law. The Executive Director along with the appropriate manager will decide on the number of applicants to interview and shall select from the qualified list of applicants those who will be interviewed by an Interview Committee. All applicants must meet minimum job qualifications to be considered for employment, the exception being applicants applying for on the job training positions.

**Interview Process**

**Interview Committee:** The Executive Director shall establish an Interview Committee. The Interview Committee shall consist of no fewer than three persons including at least one member of the Board of Commissioners, the Executive Director, and appropriate staff. The Interview Committee shall not include a member who is a relative, family member, or extended family member of one of the interviewees.

The Executive Director or his or her designee shall create the interview questions based on the job description. Each question shall be scored by each of the Interview Committee members.

The Interview Committee shall serve in an advisory capacity. The final decision shall rest with the Executive Director. The following process shall be utilized for interviews:

1. The Executive Director shall establish the date, time, and location of all interviews.
2. Each applicant shall be notified by the Executive Director or his or her designee of the date, location, and specific time scheduled for his or her interview.
3. Each applicant to be interviewed shall be informed about the interview process and the Interview Committee.
4. The actual interview shall be conducted using the interview questions, the job description, and the applicant's application/resume. The Interview Committee shall score each applicant's response to every question. At the conclusion of each interview, the Committee's scores for the interviewee shall be totaled. At the conclusion of all interviews, the Committee's composite scores shall be compared to determine the applicant with the highest score.



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Exception:** If only one qualified applicant has applied for a position, an interview may not be necessary. The Executive Director will make this determination and may decide to hire the individual upon completion of a meeting with the qualified applicant.

**Tribal and Indian Preference**

As described below, preference shall be given to qualified Tribal members and other Preference Candidates and Preference Employees in all phases of employment, training, and contracting.

1. Employment Phases. Employment phases include but are not limited to recruitment, advertising, hiring, upgrading job duties, promotion, transfer, rate of pay changes, layoff or not for cause termination, and selection for training or apprenticeship.
2. Preference Order. The following order of preference (“Preference Order”) shall be applied in all phases of employment to the extent permissible under applicable law, with the most preferred categories listed first:
  - a. Qualified Tribal Member;
  - b. Qualified spouse or domestic partner of a Tribal Member;
  - c. Qualified Immediate Family Member of a Tribal member;
  - d. Qualified Coquille Tribal Family Relation;
  - e. Qualified Indian;
  - f. Qualified United States Veteran;
  - g. Other qualified applicant.
3. Preference As Applied. Preference shall be applied when two or more candidates are otherwise equally qualified regarding education, employment experience, skills, and training.
4. Recruitment, Advertising, and Hiring. Preference shall be applied when identifying qualified candidates and when assessing which candidate(s) shall receive an offer of employment/contracting.
5. Layoffs; Reductions in Force. In general, layoffs or furloughs of personnel shall consider the Preference Order in reverse.
6. Promotion, Career Advancement, and Succession Opportunities. Preference shall be applied in promotional opportunities, career advancement/succession opportunities or programs, specialized or general training opportunities, and employee or management development activities, etc., that are not available or distributed to all employees within a classification.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

7. Training and Apprenticeship. CIHA will participate in applicable training programs to encourage Tribal Members and Tribal Spouses to advance their prospective job qualifications, as requested by the Coquille Indian Tribe's Tribal Development Department.
8. Part-Time, Temporary, Summer, and Cooperative Student Employees. Opportunities for part-time, temporary, summer, and co-operative student employment shall be filled in accordance with the Preference Order. CIHA will work with the Coquille Indian Tribe's Tribal Development Department to locate and obtain referrals for qualified candidates.
9. Job Qualification Requirements. Job qualification criteria shall be designed for the sole purpose of identifying required and desirable skills, education, certifications, and experience for each position, and shall not purposely serve to effectively bar the employment or promotion of any candidate.

~~Pursuant to Tribal and federal law, it is the policy and intent of the Housing Authority to apply Tribal and Indian preference in recruitment, employment, promotions, and transfers of employees. When there are two or more applicants for a position who are otherwise equally qualified regarding education, employment experience, skills, and training, or two or more employees who are otherwise equally eligible for promotion or transfer, the following preference policy shall apply:~~

- ~~1. ————— First preference shall be accorded to a qualified, enrolled member of the Coquille Indian Tribe who has obtained training and/or education from previous on the job experience, vocational education, and/or higher education relevant to the specific purposes of serving the Housing Authority.~~
- ~~2. ————— Second preference shall be accorded to a qualified, enrolled member of another federally recognized Indian tribe who has obtained training and/or education from previous on the job experience, vocational education, and/or higher education relevant to the specific purposes of serving the Housing Authority.~~
- ~~3. ————— Third preference shall be accorded to a qualified spouse of an enrolled member of the Coquille Indian Tribe who has obtained training and/or education from previous on the job experience, vocational education, and/or higher education relevant to the specific purposes of serving the Housing Authority.~~
- ~~4. ————— Fourth preference shall be accorded to a qualified spouse of an enrolled member of another federally recognized Indian tribe who has obtained training and/or education from previous on the job experience, vocational education, and/or higher education relevant to the specific purposes of serving the Housing Authority.~~
- ~~5. ————— Fifth preference shall be accorded to a qualified Veteran.~~

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

~~6. Sixth preference shall be accorded to all other qualified applicants.~~

**Hiring Decision**

The Executive Director shall make the final hiring decision at the end of the interview process.

The Executive Director or his or her designee shall make a job offer to the successful applicant. The job offer is contingent upon the successful completion of a drug screen and criminal background check. A job offer letter shall be prepared that describes the terms and conditions of employment, including salary, start date, and the position for which the applicant is offered employment. Applicants must sign and return the offer of employment to accept the position.

If an applicant accepts a job offer, the Executive Director will coordinate the applicant's criminal background check. In general, the criminal background check will be conducted following an applicant's acceptance of a job offer. However, there may be exceptions when it makes more sense to run the criminal records check prior to scheduling an interview.

**Criminal Background Investigations**

Unless a particular hire is authorized by the Board of Commissioners, no applicant may be hired for Housing Authority employment without completing one or more background investigations as provided below:

- All employees must successfully complete a background investigation as required under federal law and the Coquille Indian Tribe's Child Protection Ordinance.
- Applicants for key government positions must complete a more extensive criminal background check.

The Executive Director will arrange and follow up appropriately on all background checks.

**Key Government Position Background Investigations**

The Board of Commissioners and the Executive Director may designate any Housing Authority position as a key government position. In addition to any other background check requirement under Tribal or other applicable law, no person may be employed or offered employment in a key government position without consenting to and successfully completing a key government position background investigation, which will at a minimum include:

- Criminal history including, without limitation, a review of any and all jurisdictions;
- Educational references including, without limitation, contacts with prior instructors, school officials, and a review of school records;

## COQUILLE INDIAN HOUSING AUTHORITY

### PERSONNEL MANUAL

---

- Previous residences including, without limitation, contacts with prior landlords, local governments, and neighbors;
- Motor vehicle history including, without limitation, motor vehicle-related violations;
- Credit references including, without limitation, a credit investigation;
- Military records including, without limitation, a review of all personnel actions, military actions, medical, mental, and/or hospital treatment records, discharge records, and court martial and military court records;
- Employment history including, without limitation, contact with all previous employers; and,
- Any other information specified by the Board of Commissioners.

An applicant must sign a written release and consent for the background investigation in order to be considered for employment in a key government position. Any applicant signing a release will also authorize agencies performing the investigation (such as a local law enforcement agency) to have custody of background investigation materials/records.

**Procedure for Key Government Positions Not Directly Hired by the Board of Commissioners:** The Executive Director will review the results of the background investigation to determine if the applicant is qualified to serve in the key government position. The decision of the Executive Director will be final.

**Procedure for Key Government Positions Directly Hired by the Board of Commissioners:** The Board of Commissioners will review the results of the background investigation to determine if the applicant is qualified to serve in the key government position. The decision of the Board of Commissioners will be final.

#### **Driver's License Requirement**

All employees must have in effect and carry a current Oregon Driver's License, except that the Executive Director may waive the requirement on a case-by-case basis for employees who possess a current Oregon Identification Card.

Factors to consider in the decision to waive this requirement include, but are not limited to, the amount of driving necessary for the position, transportation alternatives, and the ability of the person to obtain a driver's license. This policy will not be enforced or interpreted in any way that violates Title III of the Americans with Disabilities Act.

## COQUILLE INDIAN HOUSING AUTHORITY

### PERSONNEL MANUAL

---

**Commercial Driver's License:** Those employees and workers who maintain an active Commercial Driver's License (CDL) will be expected to meet all requirements established by the Federal Department of Transportation, the Oregon Department of Motor Vehicles, and the Department of Motor Vehicles for any other jurisdiction in which they may travel.

All employees must immediately notify the Executive Director if their Oregon Driver's License or CDL is surrendered, cancelled, revoked, or suspended.

#### **Orientation of New Employees**

The Executive Director or his or her designee shall provide an orientation for all new employees. The orientation will include the following:

- Completion of all appropriate new hire paperwork;
- Employee's work area and location;
- Explanation of employee benefit package;
- Explanation of Paid Time Off (PTO), Extended Illness Bank (EIB), holidays, and other leave;
- Job description;
- Introduction to other employees;
- Personnel manual and acknowledgement forms;
- Drug screening requirements;
- Criminal background check requirement; and,
- Hazardous materials exposure and handling information.

#### **On the Job Training Positions**

The Executive Director is authorized to create on the job training positions, which will be taken to the Board of Commissioners for approval. These positions will enable members of the Coquille Indian Tribe and other federally recognized Indian tribes who do not have all the necessary training or skills to meet the minimum job qualifications of a position opening to be employed with the condition that they are willing to receive the necessary skills and training to meet the minimum job qualifications. These positions will be clearly advertised as being on the job training positions and will be advertised in accordance with the Housing Authority's hiring and recruitment policies and procedures.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Probationary Period**

All new employees will serve a probationary period of 90 days starting from the official date of hire. At the end of the 90 days, the immediate supervisor will do an evaluation to determine whether the new employee has satisfactorily completed his or her probationary period. If not, the immediate supervisor shall inform the Executive Director of his or her recommendation to terminate or extend the probationary period of the employee. The Executive Director shall make the final decision.

Probationary employees are eligible for benefits that are available to all employees of the Housing Authority. However, PTO will be accrued but not used during the probationary period, except for holidays that occur during the probationary period.

An employee who receives a satisfactory performance evaluation will gain regular employee status. The employee will be notified in writing by the Executive Director when the probationary period has ended and the employee has gained regular employee status.

A copy of all documents and reports relating to an employee's probationary performance evaluation shall be kept in the employee's personnel file.

**Extension of Probationary Period**

The probationary period may be extended no more than an additional 90 calendar days when deemed appropriate. For those employees who are on extended probation, an ongoing evaluation of the employee's conduct and job performance will be performed by the employee's immediate supervisor. A copy shall be provided to the Executive Director for placement in the individual's personnel file.

**Meetings, Workshops, and Seminars**

The Housing Authority offers continuing education for its staff members as feasible and appropriate. The purpose is to develop a better informed, higher skilled, and more productive work force. All departments are encouraged to do the utmost to provide continuing education opportunities to employees on a regular basis. Many sources of instruction and material are available. Expenses will not be paid for any meetings, workshops, or seminars that have not received prior approval.

**Promotions, Demotions, Transfers, Layoff, and Recall**

It is the Housing Authority's policy that promotions, demotions, or transfers will be based on the qualifications and performance of affected employees, consistent with the Tribal and Indian Preference section of this policy. Personnel action based on employee conduct and performance

## COQUILLE INDIAN HOUSING AUTHORITY

### PERSONNEL MANUAL

---

may be taken which will result in the employee being moved to a higher position, a lower position, or a position similar to the present position held by the employee. Such action may affect job duties and responsibilities and salary. The following actions may be taken.

**Promotion:** An employee may be moved to a position in the same grade on the Housing Authority salary scale or to another grade within the organization having increased responsibilities. Promotions shall be based on qualifications for the position. In considering an employee for a promotion, the following factors shall be considered:

- Any education, training, and experience beyond the qualifications, tasks, and functions that are a part of the current job description, whether received before or during employment;
- The quality of job performance by the employee in his or her present position; and,
- Demonstration that the employee possesses the knowledge and skills associated with core tasks and functions of the new job description.

**Promotion Process:** Prior to advertising a position, the Executive Director will identify any employees whom he or she believes have performed at a level of job functioning commensurate with consideration for promotion. The Executive Director will meet with the most qualified candidate to offer the promotion. The employee will be given a certain amount of time to accept or decline the promotion. The promoted employee shall have a 90-day probationary period in the new position as a regular new employee would.

**Personnel Action:** After an employee is promoted, the following process will be followed:

- *Notice:* The employee must give two weeks written notice to his or her current supervisor. The supervisor may agree in writing to allow the employee to assume the new position before the two-week requirement.
- *Payroll:* The Executive Director will submit appropriate status change paperwork to accounting.
- *Orientation:* The Executive Director or his or her designee will plan and conduct an appropriate orientation relevant to the new position.
- *Probationary Period:* The 90-day probationary period will start from the day the employee begins to perform the new job tasks. Promoted employees retain all benefits accrued prior to this period.
- *Anniversary Date:* The promoted employee maintains the anniversary date coinciding with his or her original date of hire.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Demotion:** The Executive Director may move an employee from his or her present position to a lower level position with decreased responsibility, salary, and status for which the employee is qualified under the following circumstances:

- The employee would otherwise be laid off because his or her position is being abolished, the employee's position is reclassified to a lower level, there is a lack of funds for the current position, or there is a lack of work;
- The employee does not possess the necessary qualifications to render satisfactory work in his or her current position; or,
- The employee voluntarily requests a move to a lower level position with the exception of any position hired directly by the Board of Commissioners.

**Layoff and Recall:** A reduction in work force may be deemed necessary by reason of shortage of funds, shortage of work, or by reason of a bona fide abolishment of a position.

Employees will be selected for layoff in the following order:

1. Temporary.
2. Probationary.
3. Part-time.
4. Regular.

The Executive Director will provide assistance to affected employees which may include:

- Information concerning unemployment benefits;
- Out-placement counseling; and/or,
- Referral to other organizations and employment agencies.

Employees will be recalled in the reverse order of the layoff and will remain on the recall list for a period of six months.

**Transfer:** The Executive Director may transfer an employee from his or her position to another position in the Housing Authority organization at the same level with similar duties, pay rate, and qualifications. Any unfilled position must be available for transfer of a current Housing Authority employee.



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Employee Classifications**

**Full-Time Employee:** An employee who works 40 hours per week and is employed continuously for an indefinite period of time.

**Part-Time Employee:** An employee who works less than 40 hours per week. A part-time employee who works a minimum of 20 hours per week is eligible for leave and holiday pay in proportion to his or her hours of work.

**Probationary Employee:** A full-time employee or a part-time employee who has not completed the initial or an additional 90-day probationary period.

**Detached Duty Employee:** An employee who is assigned to the Housing Authority from another agency such as the Bureau of Indian Affairs or the Indian Health Service to work within the Housing Authority organization. A detached duty employee will work within the functional policies of the manual but will receive compensation and personnel benefits from the assigning agency.

**Supervisory Employee:** An employee who is in charge of a department, division, agency, or program which requires overall direction, management, and control of operations and may include supervision of staff.

**Temporary Worker:** A short-term worker hired by the Housing Authority or through a temporary service/agency who is performing work for the Housing Authority. Temporary workers are not considered regular Housing Authority employees and are not eligible for Housing Authority benefits or to attend any continuing education seminars or trainings.

**Contractual Personnel:** Consultants, contractors, subcontractors, agents, attorneys, accountants, and other persons who are retained by the Housing Authority for specialized services are not considered Housing Authority employees and are not eligible for Housing Authority benefits.

## **H. DISCIPLINARY ACTIONS**

### **Causes for Disciplinary Action**

The causes for disciplinary action include, but are not limited, to the following:

- Violation of personnel policies.
- Representing oneself as the spokesperson for the Housing Authority without authorization.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

- Proven intentional theft or misappropriation of Housing Authority funds or Housing Authority property.
- Misuse or abuse of Housing Authority property.
- Violating safety rules or practices or endangering the safety of others.
- Disclosing confidential information about the Housing Authority, Housing Authority employees, or clients without authorization.
- Failing to report an injury to employee's immediate supervisor within 24 hours.
- Deliberately falsifying work-related records.
- Unsatisfactory job performance.
- Disruptive or inappropriate behavior in the workplace.
- Any violation of the Housing Authority's harassment or anti-discrimination policies.
- Insubordination.
- Failure to follow established Housing Authority protocol or procedures.
- Repeated failure to submit timesheets on time.
- Failure to submit accurate timesheets.

**Progressive Disciplinary Action**

As noted previously, the Housing Authority is an at will employer and has the right to terminate employment at will, with or without cause or advance notice, and the Housing Authority may use the progressive disciplinary actions described below at its discretion.

Disciplinary action consists of four types: (1) verbal warning, (2) written reprimand, (3) suspension with or without pay, and (4) termination of employment. The level of disciplinary action will depend on the severity of the problem, the employee's prior behavior, and the nature of the employee's position.

**Verbal Warning:** For minor offenses occurring infrequently, a supervisor may issue a verbal warning to the employee describing the offense and what corrective action should be taken.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Written Reprimand:** A supervisor may issue a written reprimand if an employee fails to comply with corrective actions of a verbal warning, commits repeated offenses, or commits an offense of a more serious nature than that of the verbal warning.

The supervisor shall prepare an employee disciplinary notice that specifically states why the employee is being reprimanded, suggests ways to correct the offense, and specifies the length of time given to do so. The notice must be signed by both the supervisor and employee. A copy will be given to the employee and the original will be placed in the employee's personnel file. It shall be removed from the employee's personnel file after one year from the date of the warning provided that the employee has complied with the corrective action(s) and there are no further offenses. The employee has the right to respond to the written reprimand as a part of the record.

**Suspension:** An employee may be barred from work with or without pay at the discretion of the supervisor if the employee fails to correct a deficiency which was the subject of a written reprimand or if there is an offense that warrants such measure.

An employee disciplinary notice shall be prepared by the immediate supervisor indicating that the employee is to be suspended and for what reasons and whether it is with or without pay.

- The notice shall indicate the beginning and end of the suspension.
- An employee may be suspended for not more than 14 working days, unless deemed necessary and approved by the Executive Director or Board of Commissioners.
- The suspension must be approved by the Executive Director.
- A copy of the notice shall be placed in the employee's personnel file. It shall be removed from the employee's personnel file after one year from the date of the warning provided that the employee has complied with the corrective action(s) and there are no further offenses.

An employee's ability to use paid leave during a suspension will be determined by the Executive Director or Board of Commissioners on a case-by-case basis.

**Termination:** The Executive Director or appropriate supervisor may initiate action to dismiss an employee from employment with the Housing Authority with or without cause. Upon the decision to terminate an employee:

- The Executive Director or appropriate supervisor shall prepare a notice of termination and attach any other documents pertaining to the termination.
- The Executive Director must give final approval of the termination.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

- The Executive Director shall provide a copy of the termination notice to accounting for issuance of the employee's final paycheck.
- The Executive Director or appropriate supervisor shall collect all Housing Authority property, keys, and equipment in the employee's possession before the final paycheck is released to the employee, provided that the final paycheck shall be released to the employee no later than the timeline set out in Section J. Compensation and Benefits, below, in the subsection entitled "Final Paychecks". If any employee retains Housing Authority property, the Housing Authority shall pursue all necessary legal paths to recover such property, including but not limited to filing criminal and/or civil charges against the employee.

**Schedule for Work Improvement**

Any corrective action or work improvement plan made for a disciplined employee by the employee's supervisor shall be in written form and should include:

- The work or activities to be performed by the employee for improvement or corrective action,
- The length of time the employee has to demonstrate improvement, and,
- The consequences if improvement is not shown.

Consequences may be further disciplinary action up to and including termination. A copy of the plan shall be placed in the employee's personnel file.

**I. DISPUTES BETWEEN EMPLOYEES**

Disputes which arise between employees are the responsibility of the employees to resolve. When disputes cannot be resolved by the employees, such disputes are to be referred to the employee's immediate supervisor, and up the chain of command to the Executive Director or his or her designee until such dispute is resolved.

**J. COMPENSATION AND BENEFITS**

**Salaries and Wages**

Pursuant to Tribal law, the Board of Commissioners establishes the salaries of all positions it directly employs. Salaries or wages for all other employees shall be established by the Executive

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

Director through establishment of a salary scale for all authorized positions, which is reviewed and approved by the Board of Commissioners.

It is the policy of the Housing Authority to provide compensation commensurate with similar employers in the local and surrounding areas. Salaries for employees are based upon the Housing Authority's salary scale. The Executive Director is responsible for maintaining the salary scale. The Executive Director has the authority to authorize compensation above the normal annual increase for an employee as long as it is within the approved Housing Authority salary scale and budget funds are available.

Accounting shall either prepare or, with the approval of the Executive Director, contract out payroll services, distribute paychecks, and maintain payroll records. Each employee's check shall contain a statement of gross earnings, an itemization of all deductions, including employee benefits, and net earnings.

**Pay Period**

The Housing Authority has a 14-day pay period that begins and ends every other week at midnight on Saturday. There is a one-week hold back to ensure the proper calculation of pay.

**Payday**

Payday is scheduled every other Friday. Paychecks may not be picked up early unless there is a demonstrated need, and then only with the approval of the Executive Director.

**Timesheets**

A report showing the hours and days worked during the pay period is required for each employee.

- Each employee shall complete an employee timesheet and have it approved by the appropriate supervisor.
- Timesheets will cover the hours and days worked for a two-week period beginning Sunday and ending Saturday of the following week.
- Total hours will be reported for each day worked. Overtime is subject to pre-approval by the Executive Director.
- Approved leave, holidays, and all hours worked must be reported on the timesheet for each employee.
- Completed timesheets are to be approved by the Executive Director and submitted to accounting.

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

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- Timesheets are on a two-week cycle. Timesheets are due to the Executive Director by noon of the Monday following the workweek just completed or issuance of payroll checks may be delayed. Repeated failure to submit timesheets on time is subject to disciplinary action.

### **Payroll Withholding**

Withholding will be provided by payroll deduction. Payments shall be made on behalf of employees by the Housing Authority for contributions to approved or required benefit programs and for contributions to an approved pension plan for employees.

The following deductions shall be made from employee gross earnings:

- **Federal Insurance Contributions Act (FICA)**, commonly known as Social Security, is a tax on payroll to fund federal old age, survivors' and disability insurance, and Medicare payments.
- **State and federal withholding taxes** on income depending on the employee's filing status.
- **Tribal Transit Tax.**

### **Employee Benefits**

The Executive Director shall, with input from employees, develop such benefit plans and programs as are reasonably consistent with other employers, and affordable within the resources available for program expenditures. The provisions of any new benefit plans and programs shall be approved by the Board of Commissioners prior to implementation.

Subject to available Housing Authority funding the following benefits are paid for by the Housing Authority and offered to each employee:

- **Medical/Dental/Vision Insurance** is provided and paid for by the Housing Authority through an insurance program for each employee who works over 20 hours per workweek. The employee may elect to participate in the program and has the option to enroll his or her spouse and children in the program to provide for their medical/dental/vision coverage. Premium payments for insurance coverage of a spouse and/or children shall be deducted from the employee's salary.

Insurance coverage will begin on the first day of the month following completion of the 90-day probationary period. An employee who declines coverage is not entitled to compensation for the cost of the premium.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

- **Term Life Insurance** is provided and paid for by the Housing Authority for each employee who works over 20 hours per workweek. Coverage includes employee life insurance, dependent life insurance, and employee accidental death and dismemberment insurance.
- **Retirement Benefits** are provided by contribution to an account designated by the employee from the employer's list of approved accounts.

**Final Paychecks**

An employee who severs his or her employment with the Housing Authority will be paid for the hours of work performed through his or her final workday.

- An employee resigning from his or her position and employment with the Housing Authority with less than 48 hours' prior notice will be paid within 72 hours of his or her final day of work.
- An employee who gives 48 hours or more of advance notice of resignation will be paid on his or her final day of work.
- An employee who is terminated from his or her employment with the Housing Authority will be paid on his or her final day of work. Any payment beyond the last workday must be pre-approved in writing by the Executive Director.
- The Executive Director shall provide the necessary documentation to accounting for preparation of the employee's final paycheck.
- Any amounts owed by the employee to the Housing Authority will be deducted and withheld from the employee's final paycheck consistent with applicable law.

**Emergency Draws**

An employee, under emergency circumstances, may request an advance payment of earnings prior to a payday. Emergency circumstances will be determined by the Executive Director, not the employee. Any request not deemed an emergency will be denied. An emergency draw shall not exceed 70 percent of the accrued earnings for hours worked in the pay period during which the request is made. Requests for emergency draws will be reviewed on an individual basis.

**Work Hours**

Normal work hours for each position should not exceed 40 hours per week. Work hours may fluctuate based on job requirements and to provide for attendance at important meetings and events. Any deviation from the standard workweek must have the prior approval of the Executive Director. All work by employees of the Housing Authority is governed by and performed within

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

---

the Housing Authority's calendar year from January 1 to December 31 of each year. Time periods and use of time within the calendar year for work by employees are stated below.

**Normal Workweek:** The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday. A workweek will include the normal five workdays, Monday through Friday.

**Workday:** A workday is each day Monday through Friday.

**Hours of Work:** Normal hours of work for an employee are determined for each workday and workweek. Hours of work for each normal workday will be eight hours a day from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. Hours of work for each normal workweek will be 40 hours, combining the eight hours for each workday. However, the workday will be adjusted as necessary to provide adequate coverage of Housing Authority operations. The Executive Director may permanently or temporarily alter the workweek for specific employees if doing so will result in greater effectiveness or efficiency.

### **Tribal Events and Committee Meetings**

While every effort will be made to allow participation in Tribal events, the immediate supervisor has the final authority to approve or disapprove the request based on work demands and schedules within the department.

When a Tribal event is related to the employee's job, as specified in the job description or assigned duties, events may be attended with regular pay with the pre-approval of his or her immediate supervisor.

When a Housing Authority event occurs that is of interest to the employee but not related to the job as specified above, the employee may attend the event only with the pre-approval of his or her immediate supervisor and may take PTO or unpaid leave.

In cases that are difficult to apply the above standards, the Executive Director may make a judgment based upon the overall good to the Housing Authority.

Employees who are on Tribal Committees will receive regular pay for attending meetings during normal work hours upon pre-approval from their immediate supervisor.

### **Work Breaks**

Employees are entitled to two 15-minute breaks during each workday, one in the morning and one in the afternoon. Employees are also entitled to a one-hour uninterrupted lunch break during each workday. Lunch and work breaks cannot be combined to extend the lunch period. Neither may they be used to decrease the workday or used in the calculation of overtime pay.



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Overtime**

The Executive Director may authorize overtime for non-exempt employees on a temporary basis considering the need, work to be accomplished, time involved, budget constraints, and employee. Overtime is to be discouraged unless absolutely necessary and shall be kept to a minimum. All overtime shall be pre-approved by the Executive Director. Paid leave, regardless of type, is not hours worked and therefore will not be considered in the calculation of overtime pay. When non-exempt personnel are directed to work overtime in addition to their regular work hours, they will receive overtime wages for such work subject to the following conditions:

- All overtime work must be authorized in advance by the Executive Director, and the dates, hours, and reasons for the overtime documented.
- All authorized overtime requests shall be submitted to accounting for proper record keeping.
- Overtime will be paid at a rate of one and one-half hours for each hour worked over the regular 40-hour workweek.
- Overtime will not be granted for travel to and from the duty station.

**Exempt Personnel:** Personnel classified as exempt or qualified as exempt under the Federal Fair Labor Standards Act and its regulations are not paid overtime pay. They may be required to work more than 40 hours per week to complete their normal work, additional work, or to attend meetings, conferences, and workshops. Willingness to work overtime without compensation on such assignments is a condition of employment for exempt personnel. Exempt employees will be allowed reasonable flexibility in adjusting their work schedules since they are required to work excess hours without remuneration.

**Flexitime**

Employees, by agreement with their supervisors, are allowed flexible scheduling within the workweek to adjust their work hours and workdays when a departure from their normal working hours is caused by good reason such as workload, emergency situation, travel, meetings, etc. Flexible scheduling and adjustment of work hours shall be done within the normal 40-hour workweek.

**Absence from Work**

An employee absent because of illness must advise his or her immediate supervisor of his or her status and estimated date of return. A physician's statement may be required. Excessive absenteeism and/or tardiness for any reason may result in disciplinary action, including termination

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

of employment. Any employee absent from work for two consecutive days without notifying his or her immediate supervisor or the Executive Director will be considered to have voluntarily terminated employment with the Housing Authority.

**K. PAID TIME OFF, EXTENDED ILLNESS BANK, AND OTHER LEAVE**

All leave must be approved and may be granted with or without pay, subject to the employee's and the Housing Authority's work requirements, and whenever possible the personal wishes of the employee. The Housing Authority has the responsibility to maintain a staff adequate to provide its expected services. Following are the types of leave authorized.

**Consolidated Pay**

A two-part program consolidates and replaces the traditional vacation, holiday, and sick leave benefits. This program is a benefit for all employees which is comprised of:

**Paid Time Off (PTO):** A benefit accrued each pay period according to the number of hours paid per pay period (up to a maximum of 80 hours) and the number of years of service with the Housing Authority. This accrued time may be used for any purpose including, but not limited to, holidays, vacation, family needs, personal business, medical, dental, or vision appointments, and personal illness of two consecutive days or less.

Except for illness or emergency, PTO should be requested 14 or more calendar days in advance whenever possible. PTO in excess of 15 consecutive working days must be requested 30 or more calendar days in advance.

**Extended Illness Bank (EIB):** A benefit accrued each pay period according to the number of hours paid per pay period (up to a maximum of 80 hours). EIB is a benefit that accrues in addition to PTO.

EIB may be used for one's own personal illness, beginning the third consecutive workday of illness, or from the first day of absence due to hospitalization, outpatient surgery, medical care related to an employee's extended illness, or legitimate job-related injury or illness as determined by the employee's physician.

In addition, EIB time may be used for assisting with a family member's illness (a family member for the purposes of this section is defined as spouse, domestic partner, child, stepchild, parent, stepparent, grandchild, grandparent, great-grandparent, or member of the employee's household~~grandmother, grandfather, father, mother, husband, wife, son, or daughter~~), beginning the third consecutive workday of the illness, or from the first day of absence due to hospitalization, outpatient surgery, or medical care related to the family member's extended illness.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Other Common Rules Applicable to PTO and EIB:**

- An employee must request PTO or EIB time in advance whenever possible. In emergency situations, the employee should notify his or her supervisor as soon as possible. This may be accomplished by telephone call or notification by a friend or relative. This notification will enable the supervisor to submit a request, on behalf of the employee, for accrued PTO or EIB time.
- At the discretion of the employee's supervisor, the employee may be required to provide a physician's statement as evidence of his or her own illness or injury, or that of a covered relative, and/or that he or she is medically able to return to work.
- Employees receiving EIB time must keep their supervisor informed of their condition or situation and expected date of return.
- The Executive Director, at his or her discretion, may require the employee to sign a release of information, so that information relative to the individual's condition, prognosis for recovery, and projected return to work date may be obtained.
- A minimum of one hour of PTO and EIB must be taken per use but may be taken in fifteen-minute increments following the initial hour.
- PTO or EIB will be authorized only when an employee takes time off from his or her regularly scheduled hours.
- An employee may be paid only for earned PTO or EIB. Requests for advances on unearned PTO or EIB will not be allowed, except when a probationary employee does not work on a Housing Authority holiday.
- Payment of PTO or EIB will be based on the employee's current hourly rate.
- Employees may donate accrued PTO hours to fellow employees that have exhausted their PTO and EIB hours due to an extended illness or injury. The value of the donated hours will be computed at the donor's rate of pay rather than the recipient's rate of pay. (For example, if an employee making \$20 per hour donated hours to an employee making \$10 per hour, each hour donated would cover two hours of pay for the person receiving the donated hours. Conversely, if someone making \$10 per hour donated hours to someone making \$20 per hour, each hour donated would cover one half-hour for the person receiving the donated hours.) Once the employee has been released by their doctor to return to their normal work schedule, the use of donated hours will end.

**Eligibility:** Employees working less than 20 hours per week are ineligible to accrue PTO and EIB.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Accruals:** PTO accrual is based upon the number of years an employee has worked for the Housing Authority. The following table projects annual PTO accrual for an employee working 80 hours per pay period.

<b>Years of Service</b>	<b>Hourly Accrual Rate</b>	<b>Days Accrued Per Year</b>
Up to 2 years	<del>.1192</del> .1115	<del>31</del> 29
2 to 5 years	<del>.1307</del> .1230	<del>34</del> 32
Over 5 years	<del>.1423</del> .1346	<del>37</del> 35

EIB is accrued at a flat rate of .027 per hour for all employees.

PTO and EIB accrue on all paid hours (including PTO and EIB) except overtime, on-call hours, call-back hours at overtime rate, voluntary in-service or voluntary meeting hours outside of scheduled work hours, and unpaid leave time. PTO and EIB begin to accrue with the first day of employment but are not earned and cannot be taken prior to 520 hours of satisfactory service, with the exception that new employees still in their probationary period may receive an advance of PTO time to cover any holiday that may fall during their probationary period. If the initial probationary period is extended, PTO and EIB will continue to accrue but are not earned and cannot be taken until the probationary period is satisfactorily completed.

**Maximum Accruals:** The maximum amount of PTO that an employee may accrue is 560 hours. Additional PTO hours are not accrued above this limit. There is no maximum accrual for EIB.

**Conversion of PTO and EIB Upon Termination:** Following satisfactory completion of the new-hire probationary period, an employee who resigns after giving proper, written, advance notice, or who is terminated, will be paid all earned, unused PTO hours. Terminations are effective the last day worked. Any unused PTO time paid in the final paycheck does not extend the date of termination.

When an employee resigns, earned, unused EIB hours will be paid as follows:

<b>Years of Service</b>	<b>Hours Paid</b>
Less than 5 years	None
5 to 10 years	30% of all hours accrued over 112
10 to 20 years	40% of all hours accrued over 224
Over 20 years	50% of all hours accrued over 448

**Holidays and Pay**

The designated holidays observed by the Housing Authority are:

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

1. New Year's Day;
2. Martin Luther King, Jr. Day;
3. Presidents' Day;
4. Memorial Day;
5. Coquille Indian Tribe Restoration Day (June 28);
6. Independence Day;
7. Veterans Day;
8. Labor Day;
- 8.9.Indigenous Peoples' Day
- 9.10. Thanksgiving Day;
- 10.11. Friday following Thanksgiving; and,
12. Christmas Eve
- 11.13. Christmas Day.

Employees who are required by their supervisor to work on a holiday and who fail to work as scheduled will be charged PTO for that day. All non-exempt employees who are required to work on a designated holiday will be paid one and one-half times their base rate for all hours worked during the holiday.

**Jury Duty Leave**

Employees will be granted leave of absence with pay for official jury or witness duty. Compensation received by the employee for jury or witness duty shall be surrendered to the Housing Authority upon receipt.

**Bereavement Leave**

Bereavement leave is paid time off from the regularly scheduled workweek granted for a death in the employee's immediate family, which includes spouse, domestic partner, child, stepchild, parent, stepparent, sibling, stepsibling, grandchild, grandparent, great-grandparent, mother-in-law, father-in law, sister-in-law, brother-in-law, or member of the employee's household.~~spouse,~~

# COQUILLE INDIAN HOUSING AUTHORITY

## PERSONNEL MANUAL

---

~~children, parents, sisters, brothers, grandchildren, grandparents, great-grandparents, mother-in-law, father-in-law, sisters-in-law, brothers-in-law, or members of the employee's household.~~

Employees are allowed to take time off from work in accordance with the following:

- Employees must submit a request to take bereavement leave. Bereavement leave must be approved by the appropriate supervisor and the Executive Director.
- An employee may be granted bereavement leave with pay of up to five days per year as authorized by this policy.
- The Tribal Council or Board of Commissioners may proclaim offices closed for a funeral and may designate an employee to represent the Housing Authority at a funeral. In either case, employees will receive their normal pay.

### **Administrative Leave**

Administrative leave is paid time off from the regularly scheduled workweek granted at the discretion of the Executive Director, or upon approval by the CIHA Board of Commissioners, as deemed necessary for purposes such as:

- Public health emergencies,
- Severe weather events,
- Employee safety,
- Employee investigations,
- Employee awards,
- Employee abilities not consistent with work from home, or
- Other purposes of similar nature or intent.

### **Leave Without Pay**

Leave without pay is time taken off without pay from regularly scheduled work by an employee for a specified period of time. There are two types of leave without pay: family leave and regular leave without pay. A written request must be submitted indicating that the time off requested is without pay. Leave without pay must be pre-approved by the employee's supervisor and Executive

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

Director. Approved leave without pay requests shall be transmitted to accounting by the Executive Director.

Leave without pay may occur:

- When authorized by the Executive Director;
- When time off from work is taken by an employee during his or her initial probationary period;
- When the appropriate leave is not available to cover the time taken off from work; or,
- As a part of a disciplinary process and action against an employee.

Employee benefits, including the accrual of PTO, EIB, and employer-contributed retirement benefits will not be earned when an employee is on leave without pay.

Arrangements for employees returning to work after taking leave without pay will be made at the time the leave is granted.

## **L. FAMILY AND MEDICAL LEAVE**

### **1. Definitions**

**a. Eligible Employee:** An employee who has been employed:

- For at least 12 continuous months by the Housing Authority, and,
- For at least 1,250 hours of service with the Housing Authority during the previous 12-month period, including any approved PTO or EIB leave taken during that period.

**b. Health Care Provider:**

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of Oregon, or,
- Any other person determined by the Executive Director to be capable of providing health care services.

**c. Parent:** The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a minor child.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**d. Serious Health Condition:** An illness, injury, impairment, or physical condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- A period of incapacity requiring absence of more than three 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
- Any period of incapacity due to pregnancy, or for prenatal care; or
- Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective ( e.g., Alzheimer's, stroke, terminal disease, etc.); or
- Any absences to receive multiple treatments (including any period of recovery that follows) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

**e. Son or Daughter:** A biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is:

- Under 18 years of age, or,
- 18 years of age or older and incapable of self-care because of a physical or mental disability.

**f. Spouse:** A husband or wife as defined under the laws of the Coquille Indian Tribe.

**2. Leave Requirement**

**a. Cause for Leave:** An eligible employee shall be entitled to a total of 12 workweeks of uncompensated leave during any 12-month period for one or more of the following:

- i. The birth of a son or daughter of the employee and in order to care for such son or daughter;
- ii. The placement of a son or daughter with the employee for adoption or foster care;



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

iii. To care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; and/or,

iv. A serious health condition that makes the employee unable to perform the functions of the employee's position.

**b. Expiration of Entitlement:** The entitlement to leave for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date that a son or daughter is born to or placed with the employee.

**3. Intermittent/Reduced Schedule Leave**

Employees are permitted to take leave on an intermittent basis or to work a reduced schedule under certain circumstances:

- Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- Intermittent/Reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with their supervisor's approval.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their supervisor to schedule the leave so as not to unduly disrupt the Housing Authority's operations, subject to the approval of the employee's health care

**4. Foreseeable Leave**

**Requirement of Notice:** If leave is foreseeable, the employee shall provide the Housing Authority with not less than 30 days' notice before the date the leave is to begin.

**Duties of Employee:** If the leave is foreseeable the employee must:

- Make a reasonable effort to schedule the treatment so his or her leave does not unduly disrupt the Housing Authority's operations, and,
- Provide the Housing Authority with 30 days' notice before the leave begins; however, if the employee's treatment requires leave sooner than 30 days, the employee should provide as much notice as is reasonably possible.

**5. Relationship to PTO and EIB Leave**

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

- An employee has the option of using any of their accrued PTO during their FMLA leave.
- An employee may use EIB if they meet the criteria to use EIB.
- An employee may continue to use PTO and EIB on approved intermittent FMLA leave.
- Timesheets must be completed by/for the employee and signed by the supervisor during FMLA.

**6. Spouses Employed by the Housing Authority**

A husband and wife entitled to leave may each separately take the leave as allowed under the Family Leave Act.

**7. Certification**

The Housing Authority may require that a request for FMLA leave be supported by a certification issued by the health care provider for the employee or his or her parent, spouse, son, or daughter and an estimate of the amount of time that the employee will be unavailable for work. Certification will be sufficient if it states:

- a. The date on which the serious health condition commenced;
- b. The probable duration of the condition;
- c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- d. A statement that the employee is needed to care for his or her son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to provide such care; or,
- e. A statement that the employee is unable to perform the functions of the employee's position.

**4. Second Opinion**

In any case where the Housing Authority has reason to request a second opinion, the Housing Authority may require, at the Housing Authority's expense, that the employee obtain the opinion of a second health care provider designated or approved by the Housing Authority. Such a second opinion may not be rendered by any health care provider otherwise employed by the Housing Authority.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**5. Restoration to Position**

Any eligible employee properly taking family leave will be entitled, upon return from such leave:

- a. To be restored by the Housing Authority to the position of employment held by the employee when the leave commenced, or,
- b. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

**6. Loss of Benefit**

Taking family leave will not result in the loss of any employment benefit accrued prior to the leave. During unpaid family leave, benefits will not accrue for PTO, EIB, bereavement leave, leave without pay, or court duty, nor will employer contributions to retirement be made.

**7. Limitations**

Nothing under this section shall be construed to entitle any restored employee to:

- a. The accrual of any seniority or employment benefits during any period of leave, or,
- b. Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

**8. Maintenance of Health Benefits**

- a. During any period that an eligible employee takes family leave, the Housing Authority shall maintain coverage under the group health plan available to Housing Authority employees for the duration of such leave. This coverage shall be at the same level and under the same conditions that would have been provided if the employee had stayed in employment continuously for the period of such leave.
- b. The Housing Authority may recover the premium the Housing Authority pays for maintaining coverage for an employee under a group health plan during any period of family leave if:
  - i. The employee fails to return from family leave after the period of leave to which the employee is entitled has expired, and,

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

- ii. The employee fails to return to work for a reason other than:
  - (1) The continuation, recurrence, or onset of a serious health condition that entitled the employee to leave; or,
  - (2) Other circumstances beyond the control of the employee.

## **M. PERFORMANCE EVALUATIONS**

### **Performance Evaluations**

It is the policy of the Housing Authority to conduct an evaluation of the employee's job performance which will assess fairly and objectively the employee's job conduct and performance; help to determine the employee's strengths and weaknesses; guide the development of employee capabilities; assist in determining pay increases; and assist in improving the operation of Housing Authority programs.

Performance evaluations are required for all employees not less than once each year. The employee's current job description, as well as a list of assigned duties, shall be taken into account when the supervisor performs the evaluation. The evaluation is to be based on standard criteria to ensure fair and equal treatment of all employees and is a participatory process aimed at improving performance and personal growth and shall include an opportunity for self-evaluation by the employee. Compensation adjustments may be provided and shall be based on employee performance and within the current compensation plan. To receive a merit increase, an employee must score satisfactory or higher on his or her annual evaluation.

### **Cost of Living Adjustment**

Cost of living adjustments will be given to Housing Authority employees at the discretion of the Board of Commissioners.

### **Types of Evaluations**

The following types of evaluations will be conducted for employees:

**Daily Evaluation:** The immediate supervisor of the employee is responsible for evaluating job conduct and performance on a continuing daily basis.

**Probationary Period Evaluation:** An evaluation of the employee's job performance shall be conducted at the end of the 90-day probationary period by the employee's immediate supervisor.

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

**Follow-Up Evaluation:** An evaluation that occurs after an employee is off disciplinary probation or at any other time in the year other than their anniversary date.

**Annual Evaluations:** Job performance evaluations of employees will be conducted annually by their supervisors and submitted to the Executive Director.

**Evaluation Process**

Formal evaluation shall be conducted for probationary and annual evaluations. The following process shall be used for evaluation. The employee's immediate supervisor shall be responsible for conducting the performance evaluation. All evaluations will be reviewed and approved by the Executive Director.

**Dates of Evaluation:** Employees will be evaluated at the end of their 90-day probationary period. Employees will receive their annual performance evaluation on their anniversary date of employment. However, the employee may receive a performance evaluation at any time his or her supervisor feels that it would assist in improving the employee's performance.

**Evaluation System:** The Executive Director shall maintain an evaluation tickler system for all Housing Authority employees, which shall serve to notify the Executive Director of the upcoming evaluation times for all employees.

**Evaluation Procedure**

The following procedure shall to be used to evaluate the job performance of employees. The supervisor shall notify the employee of the evaluation and arrange a date for the evaluation. The supervisor will review the employee's personnel file for any personnel actions affecting the employee.

An evaluation form approved by the Executive Director shall be used for the evaluation. The supervisor will complete the evaluation form, and if applicable a status change notice, to be reviewed with the employee. The supervisor will discuss with the employee the following:

- A review of the employee's responsibilities, duties, performance objectives, and other pertinent information from the employee's personnel file;
- The employee's job performance in accomplishing the responsibilities, duties, and objectives, noting strengths and deficiencies; and,
- The employee's comments on job performance.

The employee's comments may be added to the evaluation form. If the evaluation is not satisfactory, the supervisor will prepare a plan for the employee for corrective action and

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

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improvement. The supervisor and employee will sign the evaluation, and if applicable the action plan and/or status change notice. The supervisor will provide copies of the evaluation and action plan and/or status change notice to the employee and to the Executive Director for review and placement in the employee's personnel file.

**Review of Evaluation**

The Executive Director shall review and approve the written evaluation and action plan and/or status change notice, place copies in the employee's personnel file, and send the original status change form, if applicable, to accounting.

**N. TERMINATION OF EMPLOYMENT**

Employment with the Housing Authority may be terminated or severed in one of the following ways:

**Retirement**

An employee may retire from his or her position of employment with the Housing Authority at the appropriate age or time of service by giving reasonable written notification of intent and last day of work to the Executive Director.

A copy of the employee's written notification will be given to the employee's immediate supervisor. The employee's supervisor, Executive Director, and accounting personnel will coordinate processing of final pay, retirement benefits, and the return of Housing Authority property, keys, and equipment. Copies shall be placed in both personnel and payroll files.

**Resignation**

An employee may resign his or her position of employment with the Housing Authority by giving at least two weeks' written notice of intent and last day of work to the Executive Director.

A copy of the employee's resignation letter will be given to the employee's immediate supervisor. The employee's supervisor, Executive Director, and accounting personnel will coordinate processing of final pay, benefits, and the return of Housing Authority property, keys, and equipment. Copies shall be placed in both personnel and payroll files.

**Reduction in Force**

An employee may have his or her employment with the Housing Authority terminated as a result of a reduction of work, a reduction of budget, or the completion of a program. Employees who

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

are terminated by a reduction in force shall be given written notification at least two weeks prior to their termination date.

A copy of the written notification will be given to the employee's immediate supervisor. The employee's supervisor, Executive Director, and accounting personnel will coordinate processing of final pay, benefits, and the return of Housing Authority property, keys, and equipment. Copies shall be placed in both personnel and payroll files.

The names of laid off employees will be forwarded to the active file of employment candidates and given preference for future job openings if qualified.

**Dismissal**

An employee may be removed from his or her position of employment with the Housing Authority for disciplinary reasons or other good reason, consistent with at will employment.

**Death**

The death of an employee constitutes termination of employment with the Housing Authority. Upon the death of an employee, the Executive Director and accounting personnel will proceed with the disposition of the deceased employee's final pay and other benefits to the employee's beneficiary or estate.

**O. PERSONNEL RECORDS**

**Responsibility**

The Executive Director shall be responsible for making provision for appropriate formal records of all personnel management activities, including time records, leave records, performance evaluations, disciplinary action, grievances, and any other such records as required by law.

**Confidentiality**

Employee personnel files are strictly confidential. Employees have the right to view their own personnel file. Employee personnel files will be disclosed only to the employee's immediate supervisor, Board of Commissioners members, and Executive Director, or his or her designee, on a legitimate need to know basis. A signed release of information must be received from the employee prior to the release of any personnel information to anyone else.

**Records**

**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

---

Records relating to the employment, work performance, administration of employees, and other pertinent information shall be maintained by the Housing Authority.

**Retention of Records:** Personnel records shall be maintained on a current basis for each employee. Records of former employees shall be maintained for at least three years following separation from Housing Authority employment.

**Responsibility for Personnel Records:** The Executive Director will be responsible for personnel files, which shall contain the following:

- A signed copy of the employee's job description;
- The employee's application for employment;
- Signed job offer letter;
- Acknowledgements;
- Emergency contact form;
- Evaluations and status change forms;
- Personnel action notices;
- Record of disciplinary action;
- Any performance plans developed for the employee as a part of a disciplinary action; and,
- Records on training, career development, awards, achievements, or commendations.

The Executive Director shall keep separate files for the following:

- Employment Eligibility Verification (I-9) and related forms;
- Criminal records check information;
- Employee grievance information;
- Drug screen information;
- Workers Compensation claims/medical information; and,
- Adjudication files.



**COQUILLE INDIAN HOUSING AUTHORITY**  
**PERSONNEL MANUAL**

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**Responsibility for Payroll Records:** Accounting shall keep records of all employee time and W-4s.

**Employee Review of Personnel Records**

Employees have the right to review all records affecting their employment except confidential reports from previous employers. Terminated employees may request a certified copy of their records up to 60 days following termination.

**P. CONFORMANCE WITH APPLICABLE LAW**

The Executive Director shall ensure that all provisions of Housing Authority policies and procedures for personnel management matters conform to and are consistent with all provisions of applicable Tribal, federal, and state laws and regulations.