

UNITED TRIBES TECHNICAL COLLEGE

EMPLOYEE POLICIES & PROCEDURES

HANDBOOK

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INTRODUCTION

I-1 WELCOME AND MISSION, VISION, AND VALUE STATEMENTS

Welcome to United Tribes Technical College! This Handbook is meant to provide uniform policies and procedures to assist all employees while they are employed at United Tribes Technical College.

United Tribes Technical College is committed to providing individuals and families with vocational-technical and educational services that perpetuate the success of all people. UTTC will continue to provide a multi-cultural environment that promotes educational and economic opportunities and human and land resources aimed at self-sufficiency and self-determination.

The Handbook has been prepared by the Administrative Council and approved by the President of the College. United Tribes Technical College is referred to in this Manual as “UTTC” or “the College”).

Mission Statement

United Tribes Technical College is dedicated to providing American Indian with postsecondary and technical education in a culturally diverse environment that will provide self-determination and economic development for all tribal nations.

Vision Statement

- United Tribes Technical College is a premiere college, a leader in Tribal education, arts, and cultural preservation; technology; research; and the humanities.
- UTTC foresees a campus community with state-of-the-art facilities.
- UTTC aspires to be self-sustaining in the line with its mission for tribal self-sufficiency and self-determination.
- Most importantly, UTTC envisions skilled, knowledgeable, culturally-grounded, healthy graduates who will achieve their education goals; empower their communities; and preserve the environment, tribal land, water, and natural resources.

Value Statement

- United Tribes Technical College Board of Director, Administration, Staff, Faculty, & Students are guided in their actions by the following values.

U- Unity	T- Traditions
N- Native Americans	R- Respect
I- Integrity	I- Independence
T-Trust	B- Bravery
E- Education	E- Environment
D- Diversity	S- Spirituality

I-2 DISCLOSURE STATEMENT

This Handbook is designed to inform you about the history, the policies, the activities, and the services of UTTC and its departments.

Unless otherwise stated, all policies and procedures are in effect for both full-time and part-time employees.

This employee manual is provided only for informational purposes. The policies, practices, and procedures described in the manual are not conditions of employment and are not intended to create, nor are they to be interpreted to create, a contract between UTTC and any of its employees. Furthermore, UTTC reserves the right at any time without notice to suspend, discontinue, or change any or all such policies, practices, or procedures.

UTTC and its employees have an employment relationship which is based on student success and services. It is the goal of UTTC that each employee is treated fairly, equally, and respectfully. Each employee is considered an important part of the College. As such, any employee is encouraged to discuss the contents of this manual with their Supervisor, Department head, or the Director of Human Resources. This Handbook may be supplemented by procedures developed by the Human Resources Office and President; approved by the Administrative Council, President, and Board of Directors as necessary, to implement the policies contained in this Handbook.

I-3 FUNCTIONS OF THIS HANDBOOK

This Handbook is designed to acquaint each employee with UTTC and provide information about working conditions, employee benefits, and other policies affecting employment. All employees are expected to be familiar and comply with the provisions of the Handbook. It describes many of the responsibilities of an employee and outlines the programs developed by the employer to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Any set of policies, however, is only as good as its implementation, and the key to the implementation of the policies set forth in this Handbook is the supervisor who is responsible for and in direct contact with each group of employees. It is also essential that all members of management understand the role of these policies in meeting our organizational mission.

This UTTC Employee Policies Handbook supersedes any previous UTTC Personnel Policies Handbook effective as of its date of adoption June 25, 2009.

I-4 AMENDMENTS TO THIS HANDBOOK.

Every effort will be made to make any necessary amendments at regular intervals, based on review by the Human Resources Director, Administrative Council, the legal department, President, and Board of Directors as appropriate. When changes to the Handbook are made, employees will be orientated and provided a copy of the revised policy handbook with the changes; along with a statement of the effective date of the changes, and may also receive notice of these changes electronically. An up-to-date version of this Handbook will be maintained in the Human Resources Office and at the President's office.

PART 1

EMPLOYMENT

1-1 EQUAL EMPLOYMENT OPPORTUNITY & INDIAN PREFERENCE

UTTC provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, physical or mental disability, sexual orientation, or status with regard to marriage, public assistance, or as a disabled veteran in accordance with applicable federal laws, except where specific age, sex or physical requirements are a bona fide occupational qualification, or where Indian Preference¹ or Veteran's Preference are appropriately claimed.

This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, restructuring, leaves of absence, compensation, and training.

To further the principle of equal employment opportunity for all and consistent with the goal of Indian preference, UTTC is developing an affirmative action plan for minorities and women, individuals with disabilities, and special disabled veterans.

1-2 NONDISCRIMINATION AGAINST AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

UTTC complies with Title I of the American with Disabilities Act (ADA) of 1990 and any other applicable federal, state or local laws providing for nondiscrimination in employment against qualified individuals with disabilities. UTTC also provides, or will provide when it is necessary to do so, reasonable accommodation for such individuals in accordance with these laws. It is UTTC's policy to:

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
2. Keep all medical-related information confidential in accordance with the requirements of the ADA and retain such information in separate confidential files.
3. Provide applicants and employees with disabilities with reasonable accommodations depending on the nature of the disability, except where such an accommodation would create an undue hardship on UTTC.

¹ See Section 7(b) of the Indian Self Determination and Education Assistance Act, as amended (ISDEAA), (Title 25, United States Code, Section 450e(b)), which provides for Indian preference in employment under ISDEAA contracts, and Section 703(i) of Title VII of the Civil Rights Act of 1964, as amended, (Title 42 United States Code, Section 2000e-2(i)), which provides an exception to equal employment requirements for Indian preference in employment on or near Indian reservations,

4. Notify individuals with disabilities that UTTC provides reasonable accommodations to qualified individuals with disabilities, by including this policy in UTTC's Employee Policies Handbook and by posting the Equal Employment Opportunity Commission's poster on not discriminating against individuals with disabilities and other protected groups conspicuously throughout UTTC's facilities.

Procedure for Requesting an Accommodation

1. Qualified individuals with disabilities may make requests for reasonable accommodation to the supervisor or the Human Resources Director.
2. Upon receipt of an accommodation request, the Human Resources Director and supervisor will meet with the requesting individual to discuss and identify the precise limitations resulting from the disability and the potential accommodation that UTTC might make to help overcome those limitations.

The Human Resources Director, in conjunction with appropriate management representatives identified as having a need to know (e.g., the individual's supervisor or department head), will determine the feasibility of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, outside funding, the facility's overall financial resources and organization, and the accommodation's impact on the operation of the facility, including its impact on the ability of other employees to perform their duties and on the facility's ability to conduct business. The determination of reasonable accommodations requires input by the employee. The employee not only must make an initial attempt to identify a reasonable accommodation, but also should participate in assisting UTTC with identifying reasonable accommodations. The employee may need to consider permitting UTTC to confer with the employee's medical provider so that the medical provider may assist in the determination of the accommodation.

The Human Resources Director will inform the employee of UTTC's decision on the accommodation request or on how to make the accommodation. If the accommodation request is completely denied, employees will be advised of their right to appeal UTTC's decision by submitting a written statement to the Human Resources Office along with the reasons for the request.

Any disagreement regarding a decision or appeal of a decision that cannot be resolved informally will be processed using the Appeal and Grievance Procedure outlined in Section 6-18 of this Handbook, provided that the initiation of the Appeal and Grievance Procedure will be by filing a written request for reconsideration of the decision to the Human Resources Office within five working days of receipt of the decision from the Human Resources Director. The individual making the appeal will be notified of the decision in accordance with the Appeal and Grievance Procedure, which will be final.

1-3 EMPLOYMENT APPLICATION PROCESS

UTTC relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the College's exclusion of the applicant; and if already hired, employment may be terminated.

All applicants, including present employees applying for an open position, will be asked to permit UTTC to verify all information submitted as a part of the application.

If Indian Preference is claimed, it is the **applicant's responsibility to furnish proof of 1/4 or more degree Indian blood, or proof of enrollment from a federally recognized Tribe.** Proof may include an enrollment card with any Tribe that has a 1/4 blood requirement for enrollment or other determination of Indian blood or proof of enrollment. Failure to do so may mean loss of opportunity for priority consideration in selection. If Veteran's Preference is claimed, it is the **applicant's responsibility to furnish a copy of a United States Government Form DD214 or an honorable discharge from any branch of the military service.** Failure to do so may mean loss of opportunity for priority consideration in selection.

In making a selection, preference will be given to qualified Indian over a qualified non-Indian. To the extent permitted by Federal law, a qualified Indian is deemed to include a person who can be trained, at a reasonable cost to UTTC, to meet the qualifications of the position². Preference will be given to a qualified Indian veteran over a qualified Indian non-veteran. Preference will be given a qualified veteran non-Indian over a qualified non-Indian who is not a veteran. In filling vacancies by promotion, original appointment, or reinstatements within three years of termination, priority in selection will be given to qualified candidates who are eligible for Indian Preference or Veteran's Preference.

1-4 INTERNAL EMPLOYMENT PROCESS

All vacancies are posted through various external and internal media; including on the bulletin board located in the Human Resources Office. Postings generally include the title, the minimum qualifications, the essential functions of the job, and the closing date for filing applications. Positions are normally posted for two weeks or until filled. Eligible applicants must meet the minimum qualifications for the position and be capable of performing the essential functions of the job, with or without reasonable accommodation.

UTTC strives and believes in promoting qualified employees from within UTTC. As a result, it has established an online posting to give current full-time employees an opportunity to apply for positions that become available. UTTC reserves the right to advertise positions internally and externally to seek qualified applicants for any open position.

² See Section 7(b) of the Indian Self Determination and Education Assistance Act (ISDEAA), as amended, Title 25, U.S.C. Section 450e(b), which provides for "preferences and opportunities for training and employment" to Indians under ISDEAA contracts.

To be eligible to interview for a posted position, an employee must:

1. meet the minimum qualifications for the position;
2. be capable of performing the essential functions of the job, with or without reasonable accommodation;
3. be an employee in good standing in terms of overall work record; and
4. have been in the current position for a minimum of six months.

Employees who seek an open position at UTTC are responsible for monitoring job vacancy notices and completing the necessary paperwork (i.e., cover letter, updated resume, and/or transcripts) with the Human Resources Office during the posting period for a specific opening.

An employee is not required to notify the supervisor when submitting an application or letter of interest for a posted position. However, if the employee is a finalist for the position; the employee must notify their supervisor prior to the completion of the selection process and obtain, among other things, the supervisor's approval and the employee's most recent performance evaluation.

The Human Resource Office may be contacted regarding the application and its status. However, this information will only be given to the interested applicant, supervisor, Vice President of the Department, or President upon request. Any and all other requests will be denied without the written consent of the applicant.

1-5 ASSIGNMENT OR REASSIGNMENT

UTTC may reassign an active qualified employee to an open position using the following procedure:

1. The requestor must justify, in writing, the reason for the transfer to an open and advertised position within the College;
2. Get approval from the supervisor/director, Vice President of the department, Human Resource, and the President;
3. Upon approval a completed change of status and background check form, with authorizing signatures of the supervisor and the employee must be submitted to Human Resources prior to placement; and
4. Compensation may be affected by the transfer: but may not be reduced unless there are good grounds for doing so:
 - a. based on the employee's performance;
 - b. the particular employment needs of UTTC; or
 - c. or the employee consents, in writing, to the salary reduction.

1-6 HIRING OF RELATIVES

It is well accepted that employment of relatives in the same area of an organization can cause serious conflicts and problems with favoritism and employee morale. In these circumstances, all parties, including supervisors, leave themselves open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, time-off privileges, training and development opportunities, performance evaluations, promotions, demotions, disciplinary actions, and discharge.

In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

It is the College's policy that relatives of persons currently employed by the College may be hired only if they will not be working directly for or be supervised by a relative, unless specifically approved by the President.

If already employed, an employee cannot be transferred into a position where the employee is being supervised by or is supervising a relative. If the relative relationship is established after employment, such as through marriage, one of the individuals is subject to transfer, provided a position is available.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, a relative is defined to include spouses, parents, children, brothers, sisters, brothers-and sisters-in-law, fathers-and mothers-in-law, stepparents, stepsiblings, stepchildren or foster-children, which are relatives of the first degree.

In situations where a conflict or the appearance of a conflict of interest arises involving non-relatives, such as "close friends," "domestic partners," "common law partners" or "significant others," or among relatives of the second degree, such as uncles, aunts, cousins, grandparents or grandchildren, UTTC will take whatever action it deems appropriate to minimize such conflicts and charges of favoritism and to decrease the likelihood of harassment of any kind in the workplace.

It is the responsibility of each and every employee to uphold the integrity of UTTC and its policies by reporting any and all nepotism conflicts between themselves and a defined relative to their supervisor immediately. If an employee, or any involved party, is found to knowingly and willingly harm the integrity of the college and violate its policy they will be terminated immediately.

This policy applies to all categories of employment at UTTC, including regular and temporary classifications.

1-7 HIRING TEMPORARY EMPLOYEES

Temporary positions may be created by a supervisor under the following circumstances:

1. A job description must be created for the position;
2. The position must be deemed necessary and budgeted by the appropriate Vice President and/or President and reviewed by the Human Resource Director;
3. The position must follow all employment laws and procedures.

Prior to the employee starting work the supervisor requesting a temporary employee is responsible for submitting necessary forms with appropriate signatures. Failure to do so may result in disciplinary action.

1-8 EMPLOYEE BACKGROUND CHECKS

1. To ensure individuals who join UTTC are well qualified and have strong potential to be productive and successful, it is the policy of UTTC to check the employment references of each applicant.
2. Additional background information may be requested and verified for all applicants, including financial information.
3. Criminal background checks are required by law in certain circumstances. Such criminal background checks may be conducted on current or renewing employees, and for some positions, a criminal record may disqualify the applicant from the position, or may put the employee into reassignment procedures. See section 1-4 of this handbook.
4. Criminal background checks will be required for any positions in child care facilities, Theodore Jamerson Elementary School, Security, Finance, Human Resources, Resident Life positions, Financial Aid, Admissions, Transportation, Housing, and Faculty. UTTC reserves the right to conduct a criminal background check of any applicant or position.
5. Based on the background check an applicant may be deemed employable.

1-9 APPLICANT AND EMPLOYEE DRUG TESTING

Applicants for certain sensitive positions, including those positions relating to safety of personnel, students or children, such as **security, bus drivers, day care workers, teachers, resident life, athletics, career development, all strengthening life styles and wellness, maintenance workers** and others, or those applicants or employees who may be employed and deal with other essential matters, as determined by UTTC, may be subject to a drug test. Employees in those positions may also be subject to pre-employment, random, and reasonable suspicion drug tests during the course of employment.

All drug tests will be administered by the Human Resources Office in a professional and confidential manner. Any attempt by an applicant to manipulate, alter or destroy the results of any drug test will result in immediate disqualification, and any attempt by an employee to manipulate, alter or destroy the results of any drug test will subject the employee to possible termination.

As required by Federal law, UTTC has in place a Drug Free Workplace Policy. See Section 6-13 of this Manual.

1-10 ORIENTATION PROGRAM

During the employee's first few days of employment, the employee is mandated as a part of their employment to attend an orientation conducted by the Human Resources office and various members of the employee's department, including the employee's supervisor.

If a new employee fails to attend any part of orientation or notify Human Resources of the reason for their absence, UTTC will notify the employee they are no longer employed with UTTC and select the next qualified applicant.

During orientation, the supervisor will provide the employee important information regarding the performance requirements of the employee's position, basic UTTC policies, the employee's compensation, and benefits programs, plus other information necessary to acquaint the employee with their job and UTTC.

The employee will be required to complete all paperwork at this time, such as medical benefits plan enrollment forms, beneficiary designation forms, and appropriate federal and state tax forms. This paperwork must be completed at the Human Resources Office within three (3) days of employment; otherwise payment and initial benefits will be delayed.

Also at the time of hire, before the employee starts work, newly hired employees are required, as a condition of employment, to properly complete, sign, and date the United States Citizenship and Immigration Services Form I-9. Failure to do so will result in immediate termination of employment with UTTC. Newly rehired employees must also complete the form, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

Each employee should use this orientation to become familiar with UTTC and its policies and benefits. We encourage each employee to ask any questions that may arise at this time.

1-11 SUPERVISORS TRAINING

UTTC requires all supervisors to receive periodic training regarding personnel supervision and policies. Human Resources department establishes the schedule for training. The training includes, but is not limited to, material on developing and maintaining good employee relations and work conditions, conflicts resolution, conducting annual performance reviews, developing job descriptions, disciplinary processes, review of the UTTC Employee policies handbook, and employee records management.

1-12 ACCESS TO EMPLOYEE FILES

Employee files, whether or not they are kept within the Human Resources office, are the property of UTTC. Information in these files is confidential. Access to or copies of the information they contain is restricted to officials and representatives of the College who have a legitimate reason to review information in an employee's file and who have received approval from either the President of the College, the Human Resources Director, or an equivalent administrative officer.

An employee shall submit a written request to an official of the College responsible for maintaining the file (i.e., supervisor, director, Human Resources, etc.), specifying exactly what they wish to review or obtain copies of in their file, with the reason for the request. The official will arrange a date and time for the employee, within three days of the request, to review the file in a secured area in the department; and in the presence of the official.

A copy of the portion of the file the employee is requesting may be provided at a cost to the employee.

Certain materials in the file may be excluded in the review. These include, but are not limited to:

- a. Statements regarding disciplinary matters made by persons other than the employee's supervisor;
- b. Complaints filed by other persons, even if the complaint does not involve a disciplinary matter; and
- c. Such other materials that UTTC determines must be held confidential.

During a review of employee file no materials may be added, altered or removed.

An employee or former employee may allow any or all information in his or her employee file to be released to another person or entity, provided such release is provided to the Human Resources Director in writing, signed and dated by the employee. Likewise, an employee or former employee may request any or all information in his or her employee file for his or her own reference provided such release is provided to the Human Resources Director in writing, signed and dated by the employee.

Students may also be employed at UTTC. In addition to the confidentiality policies stated above, for all students, UTTC complies in all respects with applicable provisions and regulations of the Federal Educational Right to Privacy Act.

PART 2

COMPENSATION POLICIES

2-1 EMPLOYMENT CATEGORIES

It is the intent of the United Tribes Technical College to clarify the definitions of employment classifications so employees understand their employment status and benefit eligibility.

Each employee is designated as either NONEXEMPT or EXEMPT from the federal and state wage and hour laws.

NONEXEMPT employees **are** entitled to overtime pay under the specific provisions of federal and state laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws, but may be eligible for Compensatory Time.

In addition to the above categories, each employee will belong to one other employment category:

FULL-TIME REGULAR: Employees hired to work at UTTC's normal, full-time, forty-hour workweek on a regular basis. These employees include those who are educational staff who have nine-month employment contracts, whether or not such employees are paid over a nine month or twelve month period. Such employees may be "exempt" or "nonexempt" as defined. Generally, they are eligible for the employer's full benefit package, subject to the terms, conditions, and limitations of each benefit program.

Full-time regular employees who wish to change from full-time to temporary status must have the approval of their immediate Supervisor/Director, Vice President and the President. The change from full-time to temporary status is essentially the same as resigning and then being rehired as temporary this will stop all leave accruals and benefits.

PART TIME REGULAR (minimum 32 hours but less than 40 hours per week and minimum benefits): Employees who are not in a temporary, orientation or probationary status and who are regularly scheduled to work less than the full-time work scheduled to work but at least 32 hours per week. These employees are eligible for a portion of the employer's benefit package subject to terms, conditions, and limitations of each benefit program. Please refer to Parts 4 and 5 of this handbook regarding benefits.

PART-TIME (less than 32 hours per week): Employees who are not in a temporary, orientation or probationary status, and who are regularly scheduled to work less than 32 hours per week. They are not entitled to any benefits except as provided in this Handbook. Please refer to Parts 4 and 5 of this handbook regarding benefits

TEMPORARY FULL-TIME and TEMPORARY PART-TIME: Temporary employees must have a job description; the position must be posted in accordance to employment laws and follow procedures set in Part 1. Individuals are hired as a temporarily supplement the work force, or to assist in the completion of a specific project; **up to 180 work days**. **Temporary employees may be extended only once in a department for no longer than 90 work days**. Employment beyond any initially stated period does not in any way imply a change in employment status. Employees hired under this status shall not be allowed to travel or receive training paid by the College. They are not entitled to any benefits.

Temporary employees remain temporary until the project is completed, the position is filled, or the period of employment ends, whichever comes first. It is the responsibility of the supervisor to follow the proper procedures and employment laws that permit the employment status to become permanent. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs. Such employees may be "exempt" or "nonexempt" as defined.

Students in various work programs may be considered temporary full-time or temporary part-time depending on the amount of hours they work and the program under which they are employed.

WIA - TEMPORARY: Employees hired using local UTTC WIA (Workforce Investment Act) funding as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. "WIA - Temporary" employees retain that status until notified of a change. While "WIA - temporary" employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for any of the employer's other benefit programs with the exception of Personal Leave and Paid Holidays.

VOLUNTEER: Although volunteers at UTTC are not employees they must complete an "Agreement to Serve as a Volunteer" with the Human Resources Office. This will entitle the volunteer for coverage under Workers Compensation or other appropriate insurances.

2-2 PROBATIONARY PERIOD

All new and rehired employees, including all 9-month employees are subject to a "probationary period", for the first six (6) calendar months after their date of hire; and are subject to any provisions contained in the employment contract. Any significant absence for any reason during the six (6) month probationary period shall automatically be placed on extended probation for up to 30 days. If absences would otherwise require that the probationary period be extended longer than 30 days, the employment between the employee and UTTC will be terminated within the first six months.

Exclusions: Individuals rehired within six (6) months of their end date may not be subject to a probationary period if:

1. They were not terminated from the previous position;
2. Held an above average performance evaluation; or
3. Are returning to the same position and department that was previously held.

If the employee left employment with UTTC prior to completing the probationary period the remaining time left of their previous probationary period will need to be completed.

Employees will assume regular status (meaning without restriction on receipt of all benefits) upon satisfactory completion of the probationary period. During the Probationary period, new employees are eligible for those benefits that are required by law, such as worker's compensation insurance, state unemployment, and Social Security. New employees are eligible for other employee-sponsored benefits, subject to the terms and conditions of each benefit program. See the Human Resources Office and further in this Handbook for clarification of these benefit provisions.

UTTC and the employee should use this time to decide if there is a working relationship with each other. Either party may end the employment relationship at any time during or after the probationary period or any period of probation thereafter.

2-3 WORK SCHEDULES

Work schedules for employees vary throughout the organization. Supervisors will advise employees of their individual work schedules. UTTC reserves the right to alter or amend any individual's work schedule depending upon its needs and availability of funds. Normal working hours are from 8:00 am until 5:00 pm, Monday thru Friday, with a one hour lunch break. Employees are encouraged to ask their supervisor on, upon hire, what the department policies and procedures are.

All employees are encouraged to take, and supervisors are encouraged to provide, at least 30 minutes per day for wellness activities, such as walking and using exercise equipment on campus, at appropriate times during the day and during off-hours.

2-4 OVERTIME AND COMPENSATORY TIME

1. Overtime for non-exempt employees. When operating requirements or other needs cannot be met during regular working hours, a supervisor may need to schedule some non-exempt employees to work overtime hours. When possible, a supervisor will provide advance notification of these mandatory assignments. All overtime work for non-exempt employees must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Before authorizing any overtime, a supervisor must be certain that the additional costs of overtime are within the budget for the supervisor's department.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour statutory and regulatory restrictions.

As required by law, authorized overtime pay is based on actual hours worked in excess of what is considered a normal work week for the particular job. Time off on sick leave, annual leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. A normal workweek consists of forty (40) hours. Any actual hours worked in excess of 40 hours in one week is considered overtime and will be paid at one-and one-half times the employee's hourly rate.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

2. Compensatory Time for non-exempt employees. Compensatory time is time off granted to any non-exempt employee for a day on which the employee worked more hours than the employee's usual workday, usually eight (8) hours. Compensatory time should be used within one week from which it is earned. For example, if a non-exempt employee worked ten (10) hours on two successive days, the employee might be granted four (4) hours off the day following the last day the employee worked ten (10) hours, or on some other day within the five (5) days following the day(s) on which the employee worked overtime.

Only an employee's supervisor may grant compensatory time. For any non-exempt employee, compensatory time may also be granted in the week following the weekend travel by the employee's supervisor if the employee is necessarily traveling on a weekend on UTTC business.

3. Compensatory Time for exempt employees. Exempt employees are not generally eligible for compensatory time. In certain exceptional circumstances, as defined by the President, such as necessary travel on a weekend on UTTC business, or exceptionally long work schedules to complete a specific project, the supervisor of an exempt employee may grant the employee paid time off from regular work schedules without regard to ordinary leave benefits specified in this Handbook.

2-5 OUTSIDE EMPLOYMENT

An employee may, in certain circumstances, hold a position of employment with another organization but must complete the following:

1. Obtain the supervisor's permission to engage in work for another party or to be self-employed;
2. Continue to satisfactorily perform all job responsibilities with UTTC; and
3. Submit, in writing, a statement to the College that employment position held by the employee does not create a conflict of interest with UTTC and such statement has been approved by the appropriate Vice-President and the President of the College.

UTTC reserves the right to require the position an employee holds to be their primary employment. If the College determines that an employee's outside work is in conflict with the essential business-related interest of the college, the employee may be asked to terminate the outside employment or modify the outside employment if the employee wishes to remain an employee of UTTC. Failure to comply with UTTC's determination regarding a conflict may result in a reduction in pay or other disciplinary action including suspension or termination.

Employees should consider the impact that outside employment may have on the well-being and reputation of UTTC. All employees will be judged by performance standards and will be subject to the College's scheduling demands, regardless of any existing outside work requirements.

An employee is not allowed to use UTTC funds, supplies, equipment or facilities, including telephones, fax machines or Internet connections to perform the job responsibilities of a position with another employer or self-employment position. See Section 6-15, below.

2-6 OTHER OUTSIDE VOLUNTEER ACTIVITIES

UTTC values the many hours of community service its employees provide as leaders and participants in local, state, regional, national and international organizations that benefit the general public, and participation in such activities is encouraged. Employees considering community service should consult with their supervisor to determine the impact of such service on the regular College work of the employee. This provision is not meant to include participation by employees in the organizations to which UTTC participates as an institution.

An employee engaging in community service activities outside of the regular business of the College is not allowed to use UTTC funds, supplies, equipment or facilities, including telephones, fax machines or Internet connections in connection with that service.

2-7 PERFORMANCE EVALUATION

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Performance evaluations shall be conducted at the end of an employee's initial probationary period in any new position. This time allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position.

Additional formal performance reviews are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. The Human Resources Office will supply formal evaluation forms to supervisors. The original form will be filed in the employees file. An employee cannot assume that he or she will necessarily receive a wage or salary increase each time performance is reviewed.

UTTC requires every supervisor to conduct annual performance evaluations. Any supervisor who fails to conduct an annual performance evaluation is subject to disciplinary action. A failure to

conduct an annual performance evaluation does not mean that United Tribes is necessarily satisfied with an employee's work performance. Employees are encouraged to inform their supervisor at the end of each contract period, or at the end of the probationary period, of the need for a performance evaluation.

2-8 ADVANCED EDUCATIONAL DEGREE

UTTC offers this incentive to encourage and motivate its employees to strive for promotional opportunities by obtaining higher education degrees, with the understanding that there is no guarantee that the employee will receive any increase in salary or wages because of funding restrictions.

A full time employee who has completed his or her required probationary period, is in good standing, has not been hired with the understanding that the advanced degree would be obtained as a condition of employment, and who is seeking an advanced degree in the career field in which they are working at UTTC, must adhere to the following:

Notice by employee

1. Notify their supervisor, in writing, of type of degree they are pursuing;
2. Provide a letter of acceptance from the college or university attending; and
3. Provide a class schedule from the college or university.

Supervisor's responsibilities

1. Notify the appropriate Vice President (VP), HR, and the President of the employee's intent to seek advance degree;
2. Determine whether the projected increased cost of the employee obtaining and advanced degree will be within the budget for the supervisor's department; and
3. If the cost is not within the budget, or the budget cannot be modified to include the additional cost, notify the employee that a wage increase for the employee is not guaranteed, even if the employee obtains the advanced degree.

Upon Completion of the degree

1. The employee will provide to the supervisor as soon as possible an official transcript showing that the degree has been awarded and the date the degree was awarded.
2. The supervisor will notify the respective Vice-President and Human Resources.
3. The supervisor will complete and submit a change in status form with the attached documentation to Human Resources.

PERCENTAGE INCREASE OF BASE PAY

Associates Degree: Four (4) percent increase

Bachelor Degree: Six (6) percent increase

Masters Degree: Eight (8) percent increase

Doctorate Degree: Twelve (12) percent increase

The advance degree incentive shall be effective upon the date of the President's signature and will be given only one time per level of degree obtained.

PART 3

PAYROLL

3-1 TIMEKEEPING

Each employee is responsible for accurately keeping a record of the time the employee has spent while working at UTTC. Each supervisor is responsible for reviewing the accuracy of any and all time records submitted by an employee. Federal and state laws require UTTC to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All non-exempt employees must accurately record the time they begin and end their work. All non-exempt employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work for non-exempt employees must always be approved before it is performed. See Overtime section 2-4 above.

Exempt employees are encouraged to record accurately all hours spent on the job. Primarily for the purpose of payroll calculation, exempt employees are required to fill out a time sheet each pay period, indicating days actually worked. All employees, exempt and non-exempt, will be subject to reduction in pay for days not worked without prior authorization from their supervisor, other than for sick leave to which the employee is otherwise entitled.

Tampering, altering, or falsifying time records or recording time on another employee's time record may result in disciplinary action, including discharge. In unusual circumstances, overtime may be approved after an employee has worked overtime. However, if that overtime could have been approved ahead of time, the failure to obtain approval may be the basis for discipline. See Overtime Section 2-4 above.

3-2 EMPLOYEE DATA CHANGES

It is the responsibility of each employee to promptly notify the Human Resources Office of any changes in employee data, especially including changes that will affect Federal and state tax withholding. The employee's personal mailing address, telephone number, number and names of dependents, individual(s) to be contacted in the event of an emergency, educational accomplishment and other such status reports should be accurate and current at all times. For those enrolled in insurance programs with UTTC, these changes will be given to the insurance providers upon receipt of the employee's signed release.

3-3 ADMINISTRATIVE HOURS

Administrative hours, sometimes called administrative leave, may be given when employees are attending an approved activity held off campus on behalf of the College. Administrative hours are a designation of hours spent away from an employee's normal job activities. Employees who are

away from campus and their workstation performing ordinary job duties do not designate such time spent on the job as administrative leave.

Employees receive the same pay as they would if they had remained at their workstation.

3-4 EARLY/PARTIAL PAY ADVANCES

Neither pay advances nor extensions of credit on wages will be provided to employees, except in exceptional circumstances as provided below.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least one week prior to departing for vacation. A minimum processing fee will be charged.

In exceptional circumstances, including a death in the employee's immediate family, a life threatening illness in the immediate family, or emergency car repairs needed to get to work, a regular employee may receive a partial early payment earned in advance of the regular payday, but in no event may an employee receive such early pay more than twice in any twelve month period. A reasonable fee will be assessed for any partial early payment of wages or salary.

3-5 PAYROLL DATES

All employees are paid biweekly on Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a holiday, employees will receive their payroll check on the last day of work (whenever possible), before the holiday.

3-6 PAY DEDUCTIONS

The law requires that UTTC make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. These deductions include Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." As provided by Federal law, the College matches the amount of Social Security taxes paid by each employee.

The College offers programs, benefits, and contributions beyond those required by law as described in this Handbook. Employees who wish to participate in these programs may voluntarily authorize in writing specifying deductions and amounts from their checks. The Human Resources Office is available to answer any questions about payroll deductions.

3-7 PAY CORRECTIONS

UTTC takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Finance Office so that corrections can be made as quickly as possible. Failure to do so could result in disciplinary or appropriate legal action.

Once underpayments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in full in the next regular paycheck unless this presents a burden to the employee, such as when a substantial amount is owed back to UTTC for the overpayment.

In the case of overpayments, an arrangement will be made with the employee to deduct an appropriate amount from the next paycheck or subsequent paychecks. Once the arrangement is made, the employee must sign an authorization for the deduction.

Pay corrections include deductions from pay for overpayment of travel advances or other funds advanced to an employee by UTTC for any purpose. The documentation for these deductions will be provided to the employee in accordance with appropriate accounting procedures.

3-8 PAYMENT OF 9-12 CONVERSION

A 9-month employee has the option to have his or her 9-month salary and insurance paid over a 12-month period. It will be paid at the rate of 1/26th of the salary or wages due the employee under the employee's Academic Year contract.

Any 9-month employees wishing to convert to a 12-month pay will need to enroll by contacting the Human Resources Office. If you are converting to a 12-month payment any insurance premiums will also be converted.

If, when a 9-month employee converts to a 12-month payment plan, the employee owes UTTC as a result of the conversion, the necessary adjustments to salary and insurance premiums will be made pro-rata over the next 12-months.

In the event an individual must take Family and Medical Leave Act without Pay the amount due on the employees' contract up to the first day of leave without pay will be paid with the next payroll. If this situation should occur late in the academic year a recalculation may be done to continue the conversion.

3-9 COST OF LIVING ADJUSTMENT (COLA):

Employees who have been employed continuously for a minimum of one year, by the beginning of the 25th pay period, shall be eligible for any COLA increase that may be offered and retro payment to the beginning of their funding contract date. The percentage amount, if any or allowance of a COLA will be determined by the President.

PART 4

EMPLOYEE BENEFITS

4-1 EMPLOYEE BENEFITS

Eligible employees at UTTC are provided a wide range of benefits. A number of the benefits cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Details of health and related benefits may be found in Part 5 of this Handbook. Specific details on health and related benefits are available at the Human Resources Office.

The following benefits are available to eligible full-time regular employees:

Annual Leave	Witness Duty
Personal Leave	Jury Duty
Sick Leave	Holidays
Emergency Leave	FMLA
Bereavement Leave	Life and AD&D Insurance
Holidays	All Insurance Benefit Plans
Retirement	

Part-time regular employees are eligible for:

Annual Leave	Witness Duty
Personal Leave	Jury Duty
Sick Leave	Holidays
Emergency Leave	FMLA
Bereavement Leave	Life and AD&D Insurance
Holidays	Short-term Disability
Retirement	Long-Term Disability

Contributions from the employee may be required for some insurance benefit plans. See Part 5 for further benefits and details.

4-2 ELIGIBLE EMPLOYEES

The following employee classifications are considered “eligible employees” as the term is used in this Handbook, unless provided otherwise in this Handbook:

Full-time regular employees
Part-Time Regular employees

4-3 ANNUAL LEAVE

This benefit program is only available to employees who are 12-month employees. It is not available to 9-month employees, 9 month to 12 month conversion employees, or to part-time employees.

Eligible employees commence to earn and accrue annual leave from the first day of employment but they are not entitled to use it until completion of the probationary period (see Section 2-2, above).

Annual leave will be calculated based on the employees straight-time pay rate (in effect when leave benefits are used) times the number of hours the employee would otherwise have worked. Leave for salaried employees will be based on their normal wages.

Upon termination of employment, employees may be paid for annual leave that has accrued through the last day of work.

Annual leave shall be accrued according to the following schedule:

1. Less than two (2) years of employment:

Four (4) hours per pay period.

2. The start of the third (3rd) year of employment through the end of the ninth (9th) year of employment:

Six (6) hours per pay period.

3. The start of the tenth (10th) year of employment:

Eight (8) hours per pay period.

Accrual of annual leave by any employee is capped in accordance with the following schedule:

1. Less than two (2) years of continuous service shall not be permitted to accrue more than 208 hours (26 days) of annual leave
2. more than two (2) but less than ten (10) years of continuous service shall not be permitted to accrue more than 312 hours (39 days) of annual leave
3. more than ten (10) years of continuous service shall not be permitted to accrue more than 400 hours (50 days) of annual leave.

After an employee reaches the maximum number of hours that total will not increase. However, the employee may again accrue annual leave when some parts of those hours are used. *Employees are encouraged to take at least forty (40) hours of annual leave consecutively per year.*

Leave may be taken all at once or in parts. In either case, approval must be obtained at least one (1) week in advance from the employee's immediate supervisor. In order to secure the date desired, all employees are urged to specify a definite period for vacations as early as possible and communicate said preference to their immediate supervisor.

Annual leave only accrues during a pay period in which the employee has no unexcused absences from work.

4-4 PERSONAL LEAVE

All full-time regular and part-time regular exempt or non-exempt employees receive 24 hours of paid personal leave each academic or calendar year, to use at their discretion.

After their first three months of employment, all part-time (less than 32 hours per week) employees receive and can use three (3) "days" of personal leave each academic or calendar year.

For any part-time employee, a "day" of personal leave means the use of the average number of scheduled hours to be worked in the previous three months of employment from the date when the employee wishes to take, or does take, personal leave. For any non-exempt, regular part-time or part-time employee, the hours of personal leave can be used in one (1) hour increments.

New full-time regular employees on probationary status receive eight (8) hours of paid personal leave at the time of employment and sixteen (16) additional hours of paid personal leave upon completion of their first 90 days of employment.

Personal leave does not accrue nor rollover from year to year and is on a use it or lose it basis.

An employee using personal leave must receive approval for use of the leave from his or her supervisor at least one week before using it, if at all possible, to allow coverage of duties while on leave. Failure to do so may result in the absence being treated as leave without pay.

4-5 SICK LEAVE

UTTC provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. The following employee classifications are eligible for sick leave benefits according to the guidelines set forth in this policy:

- Full-time regular employees
- Part-Time regular employees

Sick leave is a privilege granted to all eligible employees. Sick leave is to be used when an employee is ill, consulting a doctor, clinic (including dental or vision appointments) or a bona fide medical practitioner. Sick leave may also be used when a dependent becomes ill. The use of sick leave in this manner will be granted only when absolutely necessary.

Unless otherwise arranged, an employee or designee must notify the immediate supervisor at the beginning of the shift for which he or she will be absent due to illness. For sick leave exceeding three (3) working days, an employee may be asked to present medical documentation. At the discretion of the immediate supervisor, documentation may be necessary for sick leave exceeding one (1) working day. Extended use of sick leave will be reviewed for possible applicability of the Family Medical Leave Act provisions, if needed.

Sick leave shall be accrued at the rate of four (4) hours per pay period for all regular full-time employees. All part-time (less than 32 hours per week) employees qualify for three (3) sick days per year, commencing following any applicable probationary period. For a part-time employee, one day of sick leave is used when the employee is not present at work for all or a part of the employee's scheduled hours on any one day.

Employees will not be permitted to accrue more than 520 hours of sick leave. Sick leave only accrues during a pay period in which the employee has no unexcused absences from work.

4-6 SICK LEAVE DONATIONS

A UTTC employee who is eligible to accrue sick leave may donate their sick leave to another employee who is able to accrue sick leave and suffering from a severe illness (extending beyond 2 weeks), terminal illness, or child birth in which the employee has no other leave available to use, causing the employee to take leave without pay or terminate employment.

To receive donated sick leave the employee or supervisor must complete the following:

1. Obtain permission, names, and designated hours from employees who are paid within the same funding source as the employee to whom sick leave is being transferred.
2. Get approval from the immediate supervisor and President.
3. All documentation must be turned into the Human Resources office, prior to receiving any donated leave.

This policy does not permit the transfer of annual or personal leave to another employee under any circumstances.

4-7 EMERGENCY LEAVE

Up to 24 hours of paid emergency leave may be granted in one academic or calendar year to all eligible employees for periods of temporary absence. Emergency leave is granted due to hospitalization or serious illnesses of the individual employee, their spouse, or dependent child or parent. Proper medical documentation must be provided to the employee's supervisor. Such emergency leave is available only if the employee has no other paid leave benefits available to them. The following employee classifications are eligible for emergency leave benefits consistent with this policy:

Full-time regular employees, following their probationary period.

4-8 BEREAVEMENT LEAVE (Funeral Leave)

Leave of absence with pay will be allowed when a death occurs in the employee's family. Up to three (3) days of paid bereavement leave will be provided to eligible employees in the event of the death of the employee's spouse, child, parent or sibling, grandparents, father-in-law, mother-in law, son-in-law, daughter-in-law, aunt, uncle, first cousin, nephew, niece or grandchild.

The following employee classifications are eligible for bereavement leave benefits according to this policy:

Full-time regular employees
Part-time regular

If additional leave is required, the employee may use any personal or annual leave available to the employee.

4-9 WITNESS DUTY

UTTC encourages employers to appear in court for witness duty whenever summoned to do so.

Employee classifications that qualify for paid witness duty leave are:

Full-time regular employees
Part-time Regular

Eligible employees will be granted a maximum of eight (8) hours of paid time off to appear in court as a witness. Employees will be paid at their base rate, less any witness fees paid by the court, and are free to use any applicable paid leave benefits (e.g., annual leave) to receive compensation for any remaining period of witness duty that would otherwise be unpaid.

The witness summons or subpoena should be shown to the employee's supervisor immediately after it is received so that any affected operating requirements of the College can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

If the employee has been summoned as a witness of the College as a result of an event related to the employee's employment at the College, he or she will be compensated as normal for the entire period of witness duty

4-10 JURY DUTY

UTTC encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may be provided up to two (2) weeks of paid jury duty leave over any one-year period. Employee classifications that qualify for paid jury duty leave:

Full-time regular employees

If an employee is required to serve jury duty beyond the period of paid jury duty leave, he or she may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence. Employment at UTTC is not generally considered a valid excuse for avoiding jury duty.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits

Other leave benefits will continue to accrue at the ordinary rate for which the employee is eligible during unpaid jury duty leave.

4-11 INCLEMENT WEATHER

A decision to close the College due to inclement weather shall be at the discretion of the President or his or her designee who will make the necessary arrangements to notify employees, including, when possible, notification to supervisors, local television and radio stations of the closure. Supervisors, in turn, may also individually inform their employees of the closure.

If an employee choose not to attend work due to inclement weather when the College is still open, that employee will have that time off charged to either annual leave, personal leave, or leave without pay, depending on the employee's circumstances.

4-12 EXCUSED LEAVE WITHOUT PAY (LEAVE OF ABSENCE)

In accordance with the guidelines set forth in this policy, UTTC may provide excused unpaid leave to eligible employees who wish to take time off from work duties to fulfill personal obligations, other than for medical leave under the Family Medical Leave Act. The employee classification(s) eligible for excused leave without pay:

Full-time regular employees
Part-time regular

Employees may request excused unpaid leave only after having completed ninety (90) days of service in an eligible employment classification. Excused unpaid leave may be granted for a period of up to forty-five (45) calendar days. Pending the College President's approval, employees may take any available personal leave or annual leave prior to the effective date of the leave of absence.

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

The College will continue to provide insurance benefits in effect at the beginning of the excused leave without pay as long as the employee continues to pay his or her portion of the premium. Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended by the taking of excused unpaid leave.

If an employee fails to report to work at the expiration of the approved leave period, the College will assume that the employee has resigned.

4-13 ABSENCE WITHOUT LEAVE (AWOL)

Employees who are not at their workstation, or are not on approved leave status will be considered absent without leave (unexcused leave without pay) and subject to disciplinary action including suspension or termination of employment.

If an employee fails to report to work, or notify their supervisor of their absence for three (3) consecutive days, UTTC will separate the employee as resigned.

4-14 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) effective August 5, 1993 (updated in January of 2009) requires employers with 50 or more employees within a 75 mile distance of the place of employment to grant up to 12 weeks of paid or unpaid leave per year to any employee who needs to care for family members or whose personal serious health condition requires absence beyond the sick leave accumulated by the employee. FMLA and paid time off, sick leave, emergency leave, and/or personal/vacation leave under UTTC's benefits policies may run concurrently. Eligible employees are those whose employment is not limited in duration, who have been employed by UTTC at least 1,250 hours during the previous twelve months, and are employees who have been employed by UTTC for at least one year.

Family leave may include paid or unpaid leave of absence and is available to all eligible employees for the birth, adoption, or foster placement of a child; or for the serious health condition of the employee, the employee's parent, child or spouse. Family leave used for the birth, adoption or foster care placement of a child expires within twelve months of the date of birth or placement.

The maximum length of the leave is twelve weeks per "rolling year" which includes any days of unpaid leave and any appropriate paid leave used by the employee as Family Medical Leave. A "rolling year" is determined by going backwards 12 months from the date Family Medical Leave is first taken. The leave may be taken on consecutive days and weeks or intermittently so long as the total days do not exceed the equivalent of twelve weeks in the "rolling year" and so long as the serious health condition of the employee or family member continues to be medically verified. If both spouses are employed by UTTC the leave under this policy for both spouses combined is limited to twelve weeks.

Employees shall make a written request for the leave (attached below) at least thirty (30) days prior to the commencement of the leave period. This provision may be waived by the Director of Human Resources in a case where the employee had no reasonable anticipation of the situation

requiring the leave. The employee is also responsible for notifying the employee's Vice President or immediate supervisor.

UTTC may require medical certification or recertification (no more often than every 30 days) that the leave is needed due to the employee's own serious health condition or that of a family member. A second opinion may be requested at the college's expense.

UTTC may also require verification from a social service agency in the case of an adoption or foster placement. When the leave period is completed, the employee will be returned to the same position or a similar position with equivalent compensation and benefits. If a reduction in force would have caused the position to be eliminated, this reinstatement does not apply.

Employees utilizing family leave will be provided health related benefits at the same level received while actively employed, if on paid or unpaid leave. If on paid leave, the employee is required to pay the same portion of the premium paid while actively employed. The employee granted such a leave will not lose any employment benefits accrued prior to the leave; however sick leave, emergency leave, retirement eligibility and eligibility for salary increments shall not accrue during the period of the leave, unless they are on paid leave.

FAMILY AND MEDICAL LEAVE REGULATIONS

The use of unpaid family and medical leave is subject to the following:

1. It may be used for up to a combined total of 12 weeks each year, on a rolling basis that is dependent on the individual situation.
2. Other appropriate paid vacation, personal, sick leave, or emergency leave will be used for family and medical leave necessitated by birth, adoption/foster care placement, or a family member's serious health condition or employees own serious health condition. UTTC will pay family leave or sick leave only under circumstances permitted by the applicable leave plan.
3. Employee must have been employed with UTTC for at least 1,250 hours during the previous twelve months
4. The Employee must have been employed by UTTC for at least one year;
5. Family and medical leave is available in one or more of the following instances:
 - a. The birth and first-year care of a son or daughter.
 - b. The adoption or foster placement of a child.
 - c. The serious health condition of an employee's spouse, parent, or child.
 - d. The employee's own serious health condition.
 - e. "Any qualifying exigency" during a family member's active military service, or the family member being called to active military duty; or to care for a member of the Armed

Forces who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness suffered while on active duty.

6. UTTC approved personnel policies govern family and medical leave. In the event UTTC policy conflicts with the Federal Medical Leave Act or any federal regulations adopted, the law and regulations will control and be the final authority.

Procedure to Request Leave

1. If possible, an employee shall notify the Human Resources' department of the date the employee will need a family and medical leave at least 30 days before a leave is to begin. If 30 days' notice is not practicable, the employee should give the notice at least two business days after the need becomes known to the employee. The employee is encouraged to provide a written notice, but a verbal notice is sufficient. The notice must provide sufficient information to make UTTC aware that the employee needs a family and medical leave, and the anticipated timing and duration of the leave.
2. Upon UTTC's request, an employee must support his or her request for a leave necessitated by a family member's or the employee's own serious health condition, with a certificate completed by the employee's or family member's health care provider. The certificate must be provided to the HR department within 15 calendar days after the request and on UTTC's form. Failure to provide the certification may result in a denial of the leave request.
3. Intermittent or Reduced-Leave Schedule
 - a. Leave increments are limited to minimum of one-hour periods of time for all employees.
 - b. An employee should follow the regular notice procedures when requesting an intermittent or reduced-hour leave. If the leave is taken because of the birth or placement of a child, leave may be taken intermittently or on a reduced schedule only if UTTC agrees. If the leave is taken to care for a sick family member or for the employee's own serious health condition, leave may be taken intermittently or on a reduced schedule when medically necessary.

Response to Leave Request

1. Regardless of the type of leave requested, UTTC will:
 - a. Determine the reason for any requested leave.
 - b. Decide whether it is a FMLA-qualifying leave.
 - c. Decide whether UTTC will require the employee to substitute available paid leave (sick, emergency, personal, or vacation) for family and medical leave.
2. If the leave qualifies as a FMLA leave, UTTC will provide the employee with written Notice of the Leave's Terms and Procedures, which include:

- a. An explanation that the leave is designated as, and will be counted against, the annual FMLA leave entitlement, including the substitution of otherwise available paid leave.
 - b. Any medical certification requirement, that is required and an explanation of the consequences for failing to furnish one.
 - c. Any requirement for the employee to make premium payments to maintain health benefits and the arrangement for making such payment.
 - d. Any requirement for the employee to present a fitness-for-duty certificate to be restored to employment.
 - e. An explanation of the employee's right to restoration to the same or an equivalent job upon returning from leave.
 - f. Any requirement that the employee periodically report on his or her status and intention to return to work.
3. The Director of Human Resources may challenge the adequacy of a medical certification and require the employee to obtain a second opinion from a second health care provider, paid for by UTTC. If a second medical opinion conflicts with the first, the Director of Human Resources may require a third opinion, paid for by UTTC. The third health care provider must be designated or approved jointly by UTTC and the employee. The third opinion is final and binding.
 4. The department supervisor or Vice President shall ensure that work is arranged so that an employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to reassignment policy.

Military Family Medical Leave

FMLA for active military staff has the same eligibility requirements as that of FMLA for all other employees.

The National Defense Authorization Act (NDAA) amended the FMLA to allow eligible employees of covered employers to take FMLA-qualifying leave because of any qualifying exigency arising from the fact that a spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Reserve or National Guard. The final rule clarified that this NDAA provision applies to a federal call to active duty, NOT a state call to active duty.

The NDAA also provides that an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered, wounded service member is entitled to a total of 26 workweeks of unpaid family medical leave during a single 12-month period to care for the service member, which includes current member of the regular Armed Forces as well as current member for the National Guard or Reserves.

Leave description, procedure to request leave, and response to leave request are the same as previously described.

4-15 MILITARY LEAVE (subject to the Uniformed Services Employment and Reemployment Rights Act (USERRA), as it may be amended from time to time)

Upon presentation of proper military orders, an employee who is a military reservist or member of the National Guard shall be granted military leave. An employee granted military leave will be returned to his or her previous position and benefits or, in some cases, a comparable job if:

1. The employee ensures that his or her supervisor receives advance written or verbal notice of the employee's required period of military service;
2. The employee has five (5) years or less of cumulative service in the uniformed services while with UTTC;
3. The employee returns to work or applies for reemployment in a timely manner after conclusion of the employee's military service; and
4. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Military leave will be considered with pay for a period of not to exceed sixteen (16) days. However, UTTC will only compensate the employee up to the difference, if any, between the employee's scheduled rate of pay from UTTC and the amount of pay received from the military, provided the military pay is less than the scheduled rate of pay from UTTC.

Except as provided above, an employee upon return from military leave is entitled to the seniority and other seniority-based rights and benefits that the employee had on the date he or she began services in the uniform services, plus any additional seniority and seniority-based rights and benefits for which the employee would have been eligible had he or she remained continuously employed. Any other leave benefits continue to accrue during military service. An employee on military leave may elect to continue health insurance while absent to perform military service. Similarly, the employee's rights under UTTC's pension plan are protected. The employee may elect to use any personal or annual leave in lieu of or in addition to military leave while serving in the uniformed services.

4-16 TIME OFF TO VOTE

UTTC encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a statewide or local election (non-Tribal election) during his or her non-working hours, UTTC will grant the employee up to two (2) hours of paid leave to vote. If it is necessary to travel to the employee's voting area (Tribal elections only), UTTC will grant the employee up to 5 (five) hours of paid leave to vote. Employees should request time off to vote from their supervisor at least two (2) working days prior to election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

4-17 MEAL PERIODS

Every employee working more than five (5) hours in a day will be provided with a minimum thirty (30) minute break for a meal period. Employees will be completely relieved of their duties during this period. Employees working a normal eight (8) hour day will have, at the discretion of the department, up to a sixty (60) minute break for a meal period.

4-18 HOLIDAYS AND HOLIDAY PAY

1. Holidays. UTTC will grant holiday time off to all eligible employees on the holidays listed below. In order to be eligible, an employee will have worked or be on a paid status the workday prior to a holiday and the work day after.

- New Year's Day (January 1)
- Martin Luther King, Jr. Birthday (second Monday in January) (half-day – 1:30 to 5:00 PM)
- President's Day (third Monday in February)
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day (November 11)
- Thanksgiving (fourth Thursday and Friday in November)
- Christmas (December 25)

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

2. Holiday pay. All eligible employees are entitled to receive ordinary pay for the holidays listed in the above schedule if they are not otherwise required to work on that day. Pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. If a recognized holiday falls during an eligible employee's paid absence (e.g., the employee is on vacation, is on sick leave or on personal leave),

Holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Eligible employee classification(s):

- Full-time regular employees
- Part-time regular

If an eligible non-exempt employee works on a recognized holiday, he or she will receive holiday pay equivalent to his or her straight time-rate, in addition to his or her straight-time rate for the

hours worked on the holiday (double time). The employee's contract or schedule may vary the holiday dates listed above.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

4-19 EMPLOYEE ASSISTANCE PROGRAM

1. **Description of the Program.** UTTC recognizes that personal or work problems can and do affect the health, well being, and work performance of most people. In an effort to help each employee maintain healthy levels of emotional and physical well-being, and to limit the effect of personal problems on job performance, UTTC sponsors an Employee Assistance Program (EAP). The EAP is designed to provide short-term counseling and referral services for employees and eligible family members who may be experiencing emotional, financial, drug or alcohol, marital, legal, or family problems.

An employee may be referred to the EAP program by his or her supervisor, particularly if the problem(s) are affecting the employee's performance on the job. A supervisor may refer an employee to use the EAP program as a condition for continued employment with the College.

2. **Cost of EAP.** The EAP is an employee benefit. It is available to all regular Full-Time and Part-Time Regular employees and their dependents at no cost. If, based on an assessment, longer-term counseling or specialized treatment is indicated, charges for those services are the responsibility of the eligible individual. Such services may be covered under provisions of the UTTC-sponsored medical plans, a health maintenance organization, or any other medical insurance the employee may have.

3. **EAP voluntary.** Except as stated above, employee participation in the program is voluntary and completely confidential. Other employees will not know who is using the EAP. Information will not be released to any person unless a written release form is executed by the employee.

4. **How to access the EAP program.** As soon as a supervisor or employee recognizes a problem, the employee should see if the EAP program can help.

An employee or dependent may get contact information through their supervisor the Human Resources Office. EAP is available twenty-four hours per day, 365 days a year. Should an employee or an employee's dependent find themselves outside of the Bismarck area and in need of assistance, the employee may call Security at extensions 1200 or 1300 for EAP contact information.

4-20 WORKFORCE SAFETY AND INSURANCE

UTTC provides a comprehensive workforce safety & insurance program at no cost to employees. This program covers any injury or illness, as defined by law, sustained in the course of employment, as defined by law, that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workforce safety & insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee, who sustains a work-related injury or illness, as defined by law, should inform his or her supervisor and the Human Resources Office immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for workforce safety insurance coverage as quickly as possible.

4-21 SICK LEAVE and WORKFORCE SAFETY AND INSURANCE

It is the policy of UTTC that an employee may not receive both workforce safety insurance disability benefits and full sick leave benefits for the same period of time. Should an employee of UTTC injured on the job file a claim with the North Dakota Workforce Safety and Insurance, it shall be the duty of the employee to report to UTTC the benefits to which the employee may be entitled or which he or she is receiving. Failure to report these benefits shall be grounds for disciplinary action refer to Section 6-15.

The following procedure should be used by the appropriate official of UTTC:

At the time UTTC is first notified that the employee is seeking workforce & safety insurance benefits, UTTC will ask the employee to sign a release form in which the employee expressly allows UTTC to make all necessary inquiries of the North Dakota Workforce Safety and Insurance about the amount and duration of any weekly benefits the employee is entitled to receive, along with a statement of this policy and a statement that the employee has read and understands the policy.

4-22 FAMILY FRIENDLY – WELLNESS EFFORT BREASTFEEDING SUPPORT

Wellness Statement: -- Mother's milk is the best form of nutrition for all infants, health benefits of supporting mothers who nurse their infants include: reduction in allergies, reduced incidence of early diagnosis of Type 2 diabetes reduced incidence in development of childhood obesity, and increased bonding between mother and infant leading to the reduction in numbers of children who are abused.

In an effort to support family and promote wellness at the earliest stage of life, UTTC strives to promote provision of mother's milk and implements the following policy.

UTTC Policy to Support Families in Regard to Feeding Their Infants.

1. Infants may accompany their mother to work until six months of age if:
 - a. The mother is providing her infant mother's milk.
 - b. Discussion between the mother and her supervisor deem the policy fits the needs of the department.
 - c. The work area is assessed as safe for the infant.
 - d. Presence of the infant does not interfere with the mother's job duties.
 - e. Infant diapers are removed from the worksite each day.
2. This policy will remain flexible and interpreted on an individual basis.

3. After the infant begins coming to work, the employee's situation will be re-evaluated monthly to ensure appropriateness for UTTC, the mother, and the infant.

Eligible employee classification(s):

Full-time regular employees
Part-time regular

4-23 EDUCATIONAL LEAVE OF ABSENCE

UTTC has established an education assistance program to help eligible employees develop their skills and upgrade their performance. As a fringe benefit, the act of learning also widens horizons for those who may have fallen into a routine and encourages employees to look around themselves and investigate their old assumptions. After one full year of service to UTTC, full-time regular employees become eligible to participate in the program. The program consists of a waiver of tuition for undergraduate classes taught on the UTTC campus.

Full time employees (working continuous for a year) may attend classes at UTTC tuition free, only if approved by their immediate supervisor and not to exceed 4 credit hours per semester, however, a person who wants to take more than 4 credit hours per semester and who may need a tuition waiver needs special permission from the appropriate Vice President.

Tuition benefits are only offered to courses where tuition is paid directly to UTTC. In all cases, books and lab fees must be paid by the employee. The tuition waivers may be obtained by filling out UTTC tuition waiver form. Please get the needed form in during registration.

A 'C' or above grade must be maintained to participate in the tuition wavier agreement. An original grade report or transcript must be provided within six weeks of the completion of each course. Courses taken on a pass/fail basis must be "passed". Non-graded courses (graded satisfactory/unsatisfactory) must be completed with a "satisfactory" grade.

Employee will be eligible to attend classes as long as it does not interfere with their normal duties during the work week and not to exceed 4 hours for classes offered at UTTC. If required to attend to an unforeseen job activities employee will have to miss class.

An employee's spouse and children living in the household are eligible to attend classes on full time basis tuition free.

All applicants must complete the following steps in order to be considered for assistance:

1. The prospective student must complete the enrollment and registration process for classes at UTTC, including applying for admission, providing transcripts as requested, participating in ACT/Compass testing and registration for classes, and all other requirements of the Admissions Office.

2. The prospective student must complete the EAP Tuition Waiver Certification Worksheet and the EAP Participation Agreement and submit them to the Director of Financial Aid, **along with a printed class schedule, prior to the end of the registration period in question.** A copy of tuition waiver must be provided to the Human Resources department.

TERMS AND DEFINITIONS

“Spouse” is a person legally married to a UTTC employee under the laws of the jurisdiction in which the marriage license or legally equivalent document was issued. Documentation may be required.

“Children living in the household” is defined as individuals who were under the legal guardianship of the UTTC employee named in the application until the individual attained majority of age. Such individuals may be construed to be “living in the household” if they are under 24 years of age and supported by the UTTC employee named in the application, upon certification by the named employee.

If an employee fails to report to work at the expiration of the approved leave period, the employer will assume that the employee has resigned.

4-24 EDUCATION ASSISTANCE PROGRAM

UTTC has established an education assistance program to help eligible employees develop their skills and upgrade their performance. As a fringe benefit, the act of learning also widens horizons for those who may have fallen into a routine and encourages employees to look around themselves and investigate their old assumptions. After one full year of service to UTTC, full-time regular employees become eligible to participate in the program. The program consists of a waiver of tuition for undergraduate classes taught on the UTTC campus.

UTTC Tuition Waiver:

1. Full time employees (working continuous for a year) may attend classes at UTTC tuition free, only if approved by their immediate supervisor and not to exceed 4 credit hours per semester, however, a person who wants to take more than 4 credit hours per semester and who may need a tuition waiver needs special permission from the appropriate Vice President.
2. Tuition benefits are only offered to courses where tuition is paid directly to UTTC.
3. In all cases, books and lab fees must be paid by the employee.
4. The tuition waivers may be obtained by filling out UTTC tuition waiver form; a completed copy must be provided to the Human Resource office.
5. Please get the needed form in during registration.
6. A ‘C’ or above grade must be maintained to participate in the tuition wavier agreement. An original grade report or transcript must be provided within six weeks of the completion of each course. Courses taken on a pass/fail basis must be “passed”. Non-graded courses (graded satisfactory/unsatisfactory) must be completed with a “satisfactory” grade.

7. Employee will be eligible to attend classes as long as it does not interfere with their normal duties during the work week and not to exceed 4 hours for classes offered at UTTC. If required to attend to an unforeseen job activities employee will have to miss class.

An employee's spouse and children living in the household are eligible to attend classes on full time basis tuition free.

4-25 SPECIAL EVENTS

Powwow and other Cultural Events

The United Tribes Technical College Powwow and other cultural activities are established institutional events of the College. Employees are asked to assist during these special events to make them a success.

Employees who contribute their time in working for these events are exemplifying their dedication to the institution and are given compensatory time to be used prior to December 31st and with their supervisors approval.

Non-exempt employees who continue their regular duties and who work overtime hours will receive appropriate additional compensation.

Christmas Party and/or Recognition Night

The UTTC Christmas Party or Recognition Night is intended for the UTTC Board of Directors and Spouses, UTTC Staff and Spouses, and UTTC-related Special Guests. It is not open to the general public or children.

Commencement Exercises (Winter and Spring)

All faculty and appropriate administrative personnel are expected to participate in the Commencement exercises held bi-annually following the Winter and Spring semesters.

For faculty and appropriate administrative personnel, cap, gown and appropriate vestments should be worn. Arrangements for rental or purchase of cap, gown and appropriate vestments may be made at the UTTC Bookstore.

PART 5

GROUP HEALTH and RELATED BENEFITS

UTTC has established a variety of employee benefit programs designed to assist each employee and his or her dependents in meeting the financial burdens that can result from illness, disability, death and to help the employee plan for retirement.

This section of the Handbook highlights some features of UTTC's benefit programs. Each program is described in detail in the summary plan booklets which is provided once the employee is eligible to participate in these programs. Please contact our Human Resources Office with any questions regarding any of our benefit programs.

UTTC reserves the right to amend or terminate any of its benefits programs or to increase employee premium contributions toward any benefit with or without advance notice at its discretion.

5-1 PARTICIPATION

All full-time employees as defined in section 2-1 are eligible to participate in UTTC's insurance programs. To be eligible employees must enroll within the first 30 days of employment or at any open enrollment period, October 1 to October 31 of each year, and coverage will terminate when requested during open enrollment effective November 1; on the last day of employment; or as provided by Federal law for employee provision of insurance benefits following employment (COBRA). Entrance into UTTC's insurance programs at any other time will be considered a late entrance and subject to various restrictions.

5-2 PROGRAMS AVAILABLE

The following programs are offered to regular UTTC employees, and each is described in this Part of the Handbook.

- Group Life Insurance and AD& D
- Health Insurance
- Dental Insurance
- Vision Insurance
- Short Term Disability
- Long Term Disability
- Retirement Program
- Benefits conversion at termination
- Flexible Benefit Plan

5-3 FLEXIBLE BENEFIT PLAN

UTTC has placed its Health, Dental, Vision, and Cancer coverage under a Flexible Benefit Plan permitted by Section 125 of the Internal Revenue Code. Under this plan, premiums for these

benefits are deducted from the employee's gross wages before taxes are determined, thus reducing the net tax burden of these benefits according to the employee's applicable tax bracket. Between October 1 and October 31 of each year UTTC has open enrollment. During this time employees may add or remove any of the benefits offered under the Flexible Benefit Plan. Changes will be effective November 1st of that year.

There are several circumstances related to change in family status that permit an employee to make changes or cancel participation outside of the October 1 to October 31 period. For more detailed information employees should contact the Human Resources Office.

5-4 BENEFIT CONVERSION AT TERMINATION (COBRA)

At the time of termination of employment the Health, Dental and Vision insurance may be continued under Federal law for 18 or 36 months, depending on the circumstances. This applies to both employees and dependents. Also under Federal law, coverage may be extended in the event of divorce, legal separation, or the death of a dependent.

5-5 RETIREMENT PROGRAM

UTTC has established a retirement program to assist each employee in his or her post-employment years. All full-time regular employees are eligible to participate in the retirement program.

An employee may enroll in the retirement program at any time. UTTC will match the retirement contribution at the following rate:

At the beginning of the second (2nd) year of continuous employment, UTTC will match the employee's contribution up to a maximum rate of five percent (5%) of the employee's annual salary.

At the beginning of the fifth (5th) year of continuous employment, UTTC will match the employee's contribution up to a maximum rate of six percent (6%) of the employee's annual salary.

At the beginning of the seventh (7th) year of continuous employment, UTTC will match the employee's contribution up to a maximum rate of seven percent (7%) of the employee's annual salary.

PART 6

EMPLOYEE CONDUCT

Each employee of UTTC, is expected each day to remember that he or she serve the students, other employees, clients and customers of UTTC programs and the public at large. Each employee's actions in this capacity reflect favorably or unfavorably upon the employee, the employee's supervisor(s) and the College as a whole. UTTC expects that each employee will maintain favorable visibility with students and the public, that each employee will act responsibly within the means of his or her position in meeting the needs of the public and that each employee will be accountable for his or her actions in this capacity.

6-1 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, UTTC expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the College. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Supervisors shall maintain current residential telephone listings with the UTTC Human Resources Office. Employees unable to reach their supervisors need to follow these steps:

- 1) contact immediate supervisor, director, or Vice President if unavailable,
- 2) contact the Human Resources Office at extension 1221 or 1321, or 1285;
- 3) call UTTC switchboard at extension 0.

These calls need to be made promptly at the start of the employee's workday. Employees working during the evening shift need to contact their supervisor or security. An employee's failure to call to inform his or her department of the employee's absence may result in leave without pay or other appropriate disciplinary action.

Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action up to and including termination.

6-2 SAFETY

UTTC recognizes the safety, health and well-being of our employees as high priority in the daily functions of our College's operations. To facilitate such activities, we will comply with all governmental mandated rules and regulations as they apply to the work activities in our workplace. Safety training will be provided to all UTTC employees throughout the calendar year. This compliance and commitment from all levels of management shall ensure a safe work environment for all our employees.

We also have a goal of trying to reduce the costs of our claims through various proven claims management principles.

SAFETY RESPONSIBILITIES

1. Management is responsible for providing a workplace free of recognized hazards and supporting a total Risk Management Program.
2. Management is responsible for the development and training of the safety rules, safe operating procedures and regulations as they pertain to the activities in the workplace.
3. Providing adequate and appropriate personal protective equipment is also responsibility of management.
4. Supervisors must require workers to follow UTTC safety rules and procedures and support the accident prevention program established by management.
5. Supervisors must assist management in the training and retraining of employees.
6. Employees are responsible to know and follow all safety rules and to participate in safety program development and implementation.
7. All employees are responsible for attending all management mandated safety training programs and to support the accident prevention program established by management.

6-3 UTTC MOTOR VEHICLE OPERATIONS

Usage of UTTC motor vehicles requires a valid driver's license and an acceptable motor vehicle record as defined by our Comprehensive Liability Insurance carrier. Any employee needing the use of a vehicle should contact the transportation department to fill out the necessary form. If at all possible notice should be given at least 2 weeks before the vehicle is needed.

Each employee shall be required to abide by all regulations promulgated by United Tribes related to operation of a motor vehicle on campus, including parking. Improper use of a vehicle on campus, such as speeding, may result in a fine imposed by a security or other appropriate United Tribes personnel. Such fine, if not paid within the time period provided to the Employee at the time the fine is levied, may be deducted from the Employee's paycheck or such other funds as may be owed to the Employee without further notice.

6-4 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees on or before their last day of work must return all personal property issued to them. Employee further understands that failure to return personal property belonging to UTTC within 14 days of the termination of this Agreement shall authorize UTTC to

deduct the reasonable replacement value of the property from the Employee's last paycheck or from any other funds that might be owing to the Employee from UTTC.

6-5 SMOKING

Wellness Statement: -- UTTC has recognized the need for a No Smoking Policy. Smoking has been found to be the cause of disease in smokers and nonsmokers alike. In addition, smoking has a negative economic impact on UTTC because of health-associated risks. Foremost, the use of tobacco by Native Americans was traditionally used for ceremonial and medicinal purposes not abuse.

Smoking, including the use of cigarettes, cigars and pipes, will not be permitted by employees within any building on the UTTC campus, including student dormitories, with the exception of single and family housing units and certain religious ceremonies. If smoking is desired to be a part of any religious ceremony to be conducted inside a building, permission must be obtained from the President's office. Further, use of chewing tobacco is also prohibited inside UTTC buildings.

Employees who smoke may do so on their breaks and outside building in designated areas. Cigarette butts need to be disposed of properly to avoid potential fire or safety hazards. Proper disposal containers request and arrangements can be submitted to the Safety and Security Director.

The No Smoking Policy stated above is applicable to all UTTC employees, students and visitors to the campus. All UTTC employees, students and visitors are expected to comply.

Employees who violate the No Smoking policy are subject to disciplinary action pursuant to Section 7-1 of this Handbook; and subject to bans or removal of privileges, at the discretion of the President. Any other person, including visitors, who violate the policy may be asked to leave UTTC campus and will be asked to comply with the policy during future visits to UTTC.

6-6 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by UTTC, other than students, may not solicit funds or distribute literature for purposes not directly related to UTTC in the work place at any time for any purpose, except as provided herein. Solicitations from employees or others that are typically prohibited on campus include requests for funds for, or distribution of literature about, political, social, community or religious causes and the sale of goods or services not associated with UTTC.

The College recognizes that employees may have interests in events and organizations outside the work place. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not officially on duty.

The College may allow individuals, whether or not employees, who are seeking funds or supporting a particular cause not directly related to UTTC, to utilize meeting space at the College, if such space is available and the fee for such use is paid in advance. Information about the fees for

use of available meeting space can be obtained through the President's office or the office of the Vice President of Student and Campus Services. Solicitation of funds, demonstrations or other kinds of activities promoting a particular cause not directly related to UTTC, outside of the meeting space that may be reserved for such a purpose, is not permitted, except as stated above.

This policy does not apply to those events associated with the annual United Tribes International Pow-wow, employee sponsored fund-raisers for UTTC activities or projects, or solicitations associated with student activities or projects. This policy may be waived by the President of the College.

6-7 HARASSMENT, INCLUDING SEXUAL HARASSMENT, AND FRATERNIZATION

1. Prohibition of harassment, including sexual harassment:

Harassment, including sexual harassment, is contrary to basic standards of conduct that are expected of all UTTC employees. Any employee who engages in any of the acts or behavior defined below is subject to corrective action up to and including immediate discharge. Any employee who feels that he or she has been the victim of harassment as defined in this section should immediately report the facts concerning the harassment under the procedure as described herein. With respect to harassment, including sexual harassment, UTTC prohibits the following:

- A. Verbal, physical or visual conduct of a racial, ethnic, religious or other nature which impairs the employee's ability to perform his or her job, or which is calculated to or does cause the employee embarrassment, mental anguish, or physical discomfort or injury.
- B. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

Submission to the conduct is made either explicitly or implicitly a term or condition of employment;

Submission to or rejection of the conduct is used as the basis for decisions affecting an individual's employment; or

The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

The conduct is between a staff member, including faculty and a student, where the staff member or faculty person involved is in a position of authority over the student, such as, but not limited to, the relationship between an instructor and a student, administration official and a student, or security guard and a student,

C. The prohibited conduct includes, but is not limited to:

Visual conduct such as leering; making sexual gestures; displaying sexually suggestive pictures or objects, cartoons, or posters; suggestive or obscene letters, notes, or invitations, including any kind of offensive communications transmitted or shown on a computer;

Verbal conduct such as derogatory comments, epithets, slurs or sexual innuendo; sexually related jokes; graphic verbal commentaries about an individual's body; or using sexually degrading words;

Physical conduct such as unwanted, suggestive or offensive touching; assault, impeding or blocking movement. Offensive comments, including, but not limited to, jokes, innuendoes, and other sexually oriented statements.

2. Prohibited relationships (fraternization)

The following relationships are strictly prohibited:

A sexual or intimate relationship between a staff member (including a faculty member) and a student, where the staff or faculty member is in a position of authority over the student, such as, but not limited to, the relationship between an instructor and a student, administration official and a student, or security guard and a student. This is often referred to as "fraternization", and such conduct is prohibited even if consensual, unless the parties involved are married or involved in an intimate relationship prior to the staff or faculty member assuming a position of authority over the student.

The following relationships are generally discouraged:

Personal relationships between a staff member (including a faculty member) and a student, where the staff member or faculty member is in a position of authority over the student, such as, but not limited to, the relationship between an instructor and a student, administration official and a student, or security guard and a student. A personal relationship includes, but is not limited to: lending students money; employing students for personal services, such as babysitting, unless there is a specifically approved UTTC program for such services; hosting or allowing parties to take place at which students are present, unless specifically approved in advance by UTTC; and similar situations where the staff or faculty member and students are present in a potential compromising situation.

Complaint Procedure

Each official of UTTC is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

An employee should immediately report any incident of discrimination or harassment (sexual or otherwise), to the appropriate supervisor or to the Human Resources Director. Examples of harassment include (but are not limited to):

- Any job-related harassment based on an employee's sex, race, national origin, disability, or any other factor.
- An employee feels he or she has been treated in an unlawful, discriminatory manner.
- If the employee believes it would be inappropriate to discuss the matter with the appropriate supervisor or with the Human Resources Director, he or she may report the incident directly to the next person in the administrative chain of command, who could be the department director, Vice President or the President of the College, as may be appropriate. The person to whom the incident is reported will be responsible to provide the necessary information to the Human Resources Director to begin the appropriate investigation.

It shall generally be the responsibility of the Human Resources Director to investigate the matter, unless the employee believes it would be inappropriate for that person to do so. Each complaint made by any employee will be kept confidential and only be revealed to those persons authorized to investigate the complaint or to decide what remedies should be provided to the complaining employee, if any.

UTTC prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, UTTC determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, in accordance with the disciplinary procedures stated in Section 7-1 of this Handbook.

6-8 CONFLICTS OF INTEREST

Employees have an obligation to carry out their responsibilities as an employee of the College within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to allow employees to seek further clarification concerning acceptable standards relating to the operation of the College.

An actual or potential financial conflict of interest between an employee and UTTC occurs when an employee is in a position to influence a decision that may result in a personal gain for the employee or for a relative as a result of UTTC's business dealings with the employee or the employee's relative. For the purposes of this policy, a relative is defined to include spouses, parents, children, brothers, sisters, brothers-and sisters-in-law, fathers-and mothers-in-law, stepparents, stepsiblings, stepchildren or foster-children.

No "presumption of a conflict" is created by the mere existence of a relationship with an outside firm. However, if an employee has any influence on transactions involving purchases, contracts, hiring or leases, it is required that he or she disclose in writing to the College President or

the Administrative Council of Vice Presidents as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. Failure to inform appropriate UTTC officials of a potential conflict may lead to disciplinary action in accordance with the procedures stated in Section 7-1 of this Handbook.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which UTTC does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the College. The acceptance by any UTTC employee of any kickback, bribe, substantial gift or other special consideration as a result of any transaction or business dealings with the College is strictly prohibited. Violation of this policy may lead to discipline in accordance with the procedures stated in Section 7-1 of this Handbook.

Nothing in this policy regarding financial conflicts of interest is meant to limit the potential for appropriate discipline regarding any other kind of conflicts of interest that an employee may create by engaging in activities that could harm UTTC or harm the reputation or good standing of UTTC. See Section 2-5, regarding Outside Employment, above.

6-9 CONFIDENTIALITY

In the course of its business, UTTC provides considerable materials on the public about its course of studies, its operations and other matters. All other materials, development of online courses, writings, work products, designs, plans, ideas, financial information and data of any sort relating to or produced by or under the auspices of UTTC not normally made available to the public are the property of the College and are confidential. Any employee providing confidential information to any outside entity or individual without appropriate authorization is subject to discipline in accordance with the disciplinary procedures stated in Section 7-1 of this Handbook, up to and including termination of employment.

6-10 INTELLECTUAL PROPERTY

Any writing, legal paper, document, electronic media, research activity or the results therefore, drawing, invention, software, program, proposal, grant application, presentation, artwork in any medium, work product of any classroom (such as a building or part thereof), or any other work of any kind and in any form that is related to the functions and mission of UTTC or that is created to assist, enhance or otherwise benefit UTTC or its students in any manner, and that is created by any employee during work hours or created by an employee using UTTC facilities, supplies or equipment, including any electronic transmission of any item mentioned above, is and shall remain the property of UTTC. Special arrangements may be made regarding ownership rights, in writing, for artists-in-residence at UTTC, or artists, craftspeople, researchers or others who are part of the teaching faculty of UTTC or otherwise employed at UTTC, or guest faculty members, or if UTTC intends to develop and market any creation of an employee to further the goals of UTTC.

6-11 USE OF EQUIPMENT AND VEHICLES

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

Each employee should notify his or her supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use of operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge, in accordance with the disciplinary procedures stated in Section 7-1 of this Handbook.

6-12 USE OF TELEPHONE AND MAIL SYSTEMS

Employees may be required to reimburse UTTC for any charges resulting from their personal use of the telephone. Employees are asked to keep personal calls to a minimum. Excessive use of the telephone for personal calls may result in disciplinary action.

The use of postage paid for by UTTC for personal correspondence is not permitted.

To assure effective telephone communications, employees should always speak in a courteous and professional manner. Each employee should confirm information received from the caller, and hang up only after the caller has provided that confirmation.

6-13 E-MAIL, THE INTERNET, AND OTHER ELECTRONIC AND TELEPHONIC COMMUNICATIONS

All electronic and telephonic communication systems and all communications and information transmitted by, received, or stored in these systems are the property of UTTC and as such are to be used for job-related purposes. The use of any software and business equipment, including, but not limited to, facsimiles, telecopy's, computers, UTTC e-mail system, the Internet, and copy machines for private purposes is prohibited, except for emergencies. Use of the Internet for criminal purposes under any applicable state or Federal law, including, but not limited to, theft of software, rights to money, or any other service or good provided on or over the Internet; deception or fraud; copyright and trademark violation; criminal solicitation; unlawful destruction, interference or entrance into Internet sites ("hacking"); theft of personal information such as credit card numbers; spreading or insertion into other software or data destructive, disruptive or invasive software (known as "viruses"), whether or not time delayed; purveying or obtaining pornographic materials in violation of any Federal law; and making threats or creating a conspiracy to commit a criminal act subjects the employee to immediate termination.

Employees using UTTC equipment for personal purposes do so at their own risk, and are subject to appropriate discipline. Further, employees are not permitted to use any code that accesses information about UTTC, access UTTC files protected by security codes or other devices, or retrieve any UTTC communication stored for the benefit of any employee other than his or her own information or otherwise stored for persons other than the employee unless authorized to do so or unless they have prior clearance from an authorized UTTC representative. All pass codes are the property of UTTC. No employee may use a pass code or voice-mail access code that has not been issued to that employee or that is unknown to UTTC. Moreover, improper use of the E-mail system (e.g., spreading offensive jokes or remarks), including using the Internet to do so, will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment, in accordance with the disciplinary procedures stated in Section 7-1 of this Handbook.

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with UTTC legitimate business interests, authorized representatives of UTTC may monitor the use of such equipment from time to time. This includes monitoring Internet usage of any kind and listening to stored voice-mail messages.

Internet Policies. UTTC provides access to the Internet. The Internet represents a useful tool for UTTC, but like any other tool, it must be used properly. For purposes of this policy, Internet includes any public electronic data communications network.

Internet E-mail offers broadly similar capabilities to other College E-mail systems, except that correspondents are external to UTTC. External E-mail messages may carry one or more attachments. An attachment, may be any kind of computer file, such as a word processing document, spreadsheet, software program, or graphic image.

Just as UTTC has an official Internet Web site so do other organizations. Most public Web sites are “read only”, meaning that they permit a person who visits the site to read material posted on the Web site but not to leave a message.

The following rules apply with respect to Internet usage:

1. **No Downloading of Non-Business Related Data:** UTTC allows the download of files from the Internet in certain circumstances and by certain individuals. However, downloading files are limited to those which relate directly to UTTC business or otherwise relate to activities conducted on campus, including files which are related to a specific classroom teaching purpose.
2. **No Downloading of Application Programs:** UTTC does not permit the download or installation of application software from the Internet on UTTC computers, except as necessary to access information necessary to conduct UTTC business or to protect information on the user’s computer. Before any application software is downloaded consult with a UTTC computer technician. Such software may not only contain

embedded viruses, but also may be untested and may interfere with the functioning of other software used by UTTC.

3. No Participation in Web-based Surveys Without Authorization: When using the Internet, the user implicitly involves UTTC as the source of the transmission of data over the Internet. Therefore, users should not participate in Web or E-mail based surveys or interviews without authorization.
4. No Use of Subscription-based Services Without Prior Approval: Some Internet sites require that users subscribe before being able to use them. Users should not subscribe to such services using UTTC equipment, computers or Internet services without the express approval of a UTTC computer technician or as otherwise approved by the appropriate administration official.
5. No Violation of Copyright: Many of the materials on the Internet are protected by copyright. Even though they may seem to be freely accessible, copyright laws that apply to print media also apply to software and material published or made available on the Internet. Employees are permitted to print out Web pages and to download material from the Internet for informational purposes as long as the purpose for such copying falls into the category of "fair use". Please do not copy or disseminate material that is copyrighted. Employees having any questions regarding such materials should contact their supervisor.

Employees who violate any aspect of this policy are subject to disciplinary action in accordance with the disciplinary procedures stated in Section 7-1 of this Handbook, up to and including termination of employment.

6-14 DRUG-FREE WORKPLACE POLICY

In keeping with the spirit and intent of the Drug-Free Workplace Act of 1988, as amended, UTTC will be a drug-free workplace. The use, manufacture, possession, distribution, or sale of controlled substances on or off the College campus is inconsistent with the behavior expected of employees, subjects all employees and visitors to our campus to unacceptable safety risks, and undermines UTTC's ability to operate effectively and efficiently. The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in official business is strictly prohibited. Such conduct is also prohibited during non-working time to the extent that in the opinion of UTTC, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of UTTC. For the purpose of this policy, a controlled substance is as defined in Section 6-15, Drug and Substance Abuse Policy.

To educate employees on the dangers of drug abuse, UTTC has established a drug-free awareness program. Periodically, employees will be required to attend training sessions at which the dangers of drug abuse, UTTC's policy regarding drugs, the availability of counseling, and UTTC's employee assistance program (EAP), described in Section 4-19, will be discussed. Employees determined to be using drugs may be referred to the EAP.

Employees convicted of controlled-substance-related violations in the workplace, including pleas of nolo contendere (i.e., no contest), must inform UTTC within five days of such conviction or plea. Employees who violate any aspect of UTTC's Drug and Substance Abuse Policy as stated below may be subject to disciplinary action up to and including termination. At its discretion, UTTC may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

Employees, temporary or otherwise, who is employed in a safety-sensitive position, including, but not limited to any; maintenance worker, security officer, bus driver, and persons who work with or directly with children, is subject to random drug tests during the course of their employment. All appropriate safeguards will be taken regarding such tests, which will be administered by the Human Resources Office. Any positive test for illegal drugs will subject an employee to EAP referral and/or discipline, up to and including immediate termination. UTTC reserves the right to implement a drug testing program for all employees at any time.

6-15 DRUG AND SUBSTANCE ABUSE POLICY

An employee who begins work while impaired or who becomes impaired from the use of drugs or alcohol while at work is guilty of a major violation of UTTC rules and is subject to severe disciplinary action. Severe disciplinary action can include suspension, dismissal, or any other penalty appropriate under the circumstances, pursuant to Section 7-1 of this Handbook. Likewise, the use, possession, distribution, manufacture, transfer, or sale of any substance on UTTC premises or in any UTTC parking lot, storage area, or job site is prohibited, and violators are subject to severe disciplinary action. UTTC's policy that substance abuse is unacceptable is the same regardless of what substance is involved. This policy does not prohibit the use on the job of prescribed medication that may significantly impair an individual from performing his or her job while at UTTC, but the employee should keep in mind that if such on the job impairment occurs, the employee should use whatever leave benefits, including sick leave, as may be available to him or her immediately when the employee or other employees or students notice the impairment.

UTTC recognizes that alcohol or drug addiction may be considered a condition covered by the Americans with Disabilities Act of 1990, as amended. However, as mentioned in Section 1-8, this policy is not concerned with the fact or absence of an addiction, but that the employee is able, despite any history of substance abuse, to meet normal performance standards and that the employee does not present an immediate threat to himself or herself or others while on the job. An employee who has a drug or other substance abuse or problem and who does not complete an appropriate substance abuse treatment program in which he or she is enrolled, or who again abuses drugs or other substances after completing a treatment program may not be covered by the Americans with Disabilities Act.

PART 7

DISPUTE RESOLUTION

7-1 DISCIPLINARY POLICIES AND PROCEDURES

Employees whose conduct is unsatisfactory are subject to progressive discipline except where the severity of the offense merits immediate dismissal.

The purpose of progressive discipline is to let employees know that their conduct is unacceptable and to give employees whose contribution to UTTC is otherwise valuable the opportunity to improve their performance. The reason for disciplinary dismissal is to protect the interests of UTTC and those associated with it. Another purpose of these guidelines is to encourage the development of consistent and fair practices at UTTC. However, it is not the purpose of these guidelines to limit the right of UTTC to dismiss employees without notice at any time.

Progressive discipline: An employee who is excessively absent or late, has poor work habits, or engages in other unsatisfactory conduct is normally subject to the following procedures:

1. An oral warning is given the first time a supervisor observes an employee engaging in objectionable conduct. The warning shall cite the objectionable action and warning of the possible consequences for continued objectionable conduct. If the employee is being asked to improve on a pattern of poor performance, a date should be set to review the employee's progress. The employee has the opportunity to sign the employee warning notice form and is given an opportunity to state their version on this form. A copy of the warning will be provided to the employee and the Human Resource office.
2. A written warning will be given to the employee, citing the objectionable action and warning of the possible consequences for continued objectionable conduct. If the employee is being asked to improve on a pattern of poor performance, a date should be set to review the employee's progress. The employee has the opportunity to sign the employee warning notice form and is given an opportunity to state their version on this form. An employee who has received a written warning may be placed on probation for a specified period of time. A copy of this warning is placed in the employee's Human Resources file.
3. Further unsatisfactory conduct, failure to improve sufficiently by the date set for review, or deteriorating performance before the review date may lead to a suspension without pay for a period specified by the supervisor. At this time the employee has the right to appeal the suspension to the Human Resources office in accordance with section 7-3 of this handbook.
4. Any further instances of unsatisfactory behavior after an employee returns from suspension will result in immediate termination.

Immediate termination or suspension without pay:

Certain types of behavior, including, but not limited to, theft, intoxication, disruptive behavior, insubordination, or other deliberate misconduct, are grounds for immediate termination or for placing an employee on suspension without pay for a period specified by the supervisor.

Employees may be dismissed without prior notice at any time if their behavior threatens the well-being of the College, its students and families, its employees or any other person who has a legitimate reason for being on campus.

Actions that normally result in progressive discipline include, but are not limited to:

- Excessive absence or tardiness
- Failure to report unscheduled absence promptly
- Leaving the work area during regular working hours without permission
- Use of obscene, abusive, or threatening language
- Unauthorized use of a UTTC telephone to make personal calls
- Creating unsanitary conditions
- Safety violations
- Failure to work diligently during scheduled work hours
- Violation of No Smoking Policy

Actions that will be considered cause for immediate dismissal or suspension include, but are not limited to:

- Refusal to comply with a supervisor's instructions (insubordination)
- Refusal to accept a proper job assignment
- Giving false information on an employment application
- Falsifying records, including the employee's own time card or a coworker's time card
- Fighting or horseplay
- Malicious damage to, or gross negligence of, UTTC property
- Theft from UTTC, its employees, its students, or anyone doing business with it
- Gambling on UTTC premises
- Intoxication
- Inappropriate behavior towards other employees, students or visitors to UTTC, including but not limited to, sexual or other harassment as defined in Section 6-7, above.
- Bringing any of the following to work:
 - Firearms, knives other than functional pocket knives, or weapons of any sort
 - Illegal drugs
 - Alcohol
 - Prescription drugs, unless prescribed by a doctor for the employee's personal use and so noted on the drug container
 - Fireworks or any kind of explosive
- Unauthorized use of confidential information
- Abuse of an employee's authority to represent the College

- Any behavior during work hours or on the College campus that violates the law or infringes on another's legal rights
- Actions that significantly harm the reputation of the College or any of its principal officials

Supervisors are expected to consult directors and Human Resources when they believe the severity of an offense justifies an exception to the above. They should also notify the Human Resources Office immediately of the reason for any dismissal. While we intend that exceptions to this policy be rare, nothing in this policy is intended to create a right of continued employment for any employee. Whether or not the procedures are followed, all employees are subject to dismissal without notice at any time when, in the sole opinion of UTTC's administration, an employee's job performance or conduct is unsatisfactory.

7-2 GRIEVANCE PROCEDURE

A **grievance** is the subject of a complaint or dissatisfaction of an employee to be resolved by UTTC's procedures provided.

A grievance may be filed by a regular full-time, part-time, temporary, and probationary new hire employee.

UTTC has an informal and formal grievance procedure which an employees may use to resolve disputes and grievances about work conditions, including, but not limited to, departmental employee conflicts, allegations of employment discrimination, UTTC's policy violations, including but not limited to disability access, sexual harassment, drug free work place, and any other action taken which affects an employee's work environment.

The College wants all employees to be fully informed on policies and procedures affecting them and to provide every opportunity to express opinions, to discuss their complaints and misunderstandings, and to seek information on matters affecting their work and particular interests.

All levels of UTTC's administration, to the best of their ability, are required to inform, listen, and counsel with employees on matters affecting them; and UTTC recognizes the right of the employee to grieve a matter ***without fear of retribution or prejudice***.

Every effort should be made for all parties to remain civil to each other and to seek informal resolution of the grievance throughout the grievance process. Supervisors are responsible for addressing and resolving issues that arise in the informal grievance resolution process. Failure or unwillingness to do so on the part of the supervisor shall be reflected on a performance evaluation, and may lead to disciplinary action against the supervisor. By agreement of the parties, a grievance may be resolved informally or through mediation at any stage of the grievance proceeding.

The guidelines for the informal grievance procedure at UTTC are as follows:

1. Informal Resolution of a Grievance. Most concerns or grievances can be settled between the employee and the employee's supervisor(s). The employee shall let the

immediate Supervisor know of the grievance, unless the grievance involves unlawful acts or conduct by the immediate supervisor. If the grievance involves unlawful acts or conduct by the immediate supervisor, the employee shall discuss the grievance with the next level in the chain of command. In cases where the Vice President is immediate supervisor the grievance will be reported the Director of Human Resources, respectively. Supervisors are required to document the date, time, grievance issue, individuals involved, and resolution attempt. This written document shall be signed by the supervisor(s) and placed in the employee(s) department file(s).

2. Filing a Grievance. If the employee is not satisfied with the informal discussion or agreement to resolve the grievance, the employee may request a copy of the written document from the supervisor and submit it with a written request to the Human Resource Director, for a hearing with the Grievance Board. The request must be submitted no later than five (5) working days from the receipt of the supervisor's written decision; the written statement should explain the reason(s) that the employee is not satisfied with the decision made. The Human Resource Director shall transmit the request to the President for notice to assemble the Grievance Board. It is not necessary that the supervisor's decision be put in writing for an employee to file a written complaint stating a grievance.
3. Grievance Board Composition. The Grievance Board shall be composed of the three (3) UTTC employees and, appointed by the President and representing the major employee groups at the College. The employee's supervisor and department co-workers shall not serve on the Board, nor shall anyone who presents a conflict of interest in regards to the grievance hearing. One member of the Grievance Board will serve a one (1) year term and two (2) members will serve two (2) year terms. One member of the Grievance Board shall act as the secretary of the process and decision of the Board. The selection of length of terms for the three (3) members will be by lot. Service on the Grievance Board is voluntary, and refusal of any employee to serve on the Grievance Board will not result in any discipline. The President may appoint any number of alternates.

The President's office shall maintain a list of Grievance Board members and alternates at all times. In the event of death, disqualification, incapacitation, resignation or, termination from the Grievance Board, the President may appoint replacement members at any time as necessary or may fill the position from the list of alternates.

4. Notice of Hearing: Pre-Hearing Matters. The Human Resources Director, on behalf of the Grievance Board shall provide the employee, supervisor(s), and/or other involved party at least ten (10) working days written notice of the date set for a hearing on the grievance. Every effort shall be made to schedule the hearing within twenty (20) working days from the receipt of the Grievance hearing request to the Human Resources Director. At least five (5) working days prior to the date set for the hearing, the Grievance Board and the employee will be provided with all available written materials regarding the grievance.

A request by any party for the presence of a UTTC employee or another witness at a grievance hearing shall not be honored.

5. Conduct of Hearing. Prior to the hearing, the Human Resources Office will ensure that training is provided to the Grievance Board about the role and powers of the Board and the conduct of the hearing. The Grievance Board shall meet with the employee(s) and supervisor(s) in order to hear both sides of the matter being grieved. The Board may seek further testimony on matters of the grievance; hearing on the grievance shall be confined to the issues raised in the grievance document. The Human Resource Director shall monitor the work of the Board to assure the hearings follow a consistent process of review.

At the hearing, the order of presentation is as follows: a) The employee who filed the grievance shall first present his or her reason(s) for grieving and explain their dissatisfaction and effort(s) they made to resolve the issue; b) The employee(s) or supervisor(s) being grieved against shall present their information and decision to resolve the matter;

6. Grievance Board Recommendation. Upon completion of the hearing, or at the earliest time possible, a recommendation, decision, or corrective action shall be made by in writing to the Human Resources Director. The Grievance Board may recommend that the decision of the supervisor be reversed, modified or upheld. The Grievance Board may recommend any other resolution of the grievance or what it believes is appropriate. The Human Resource Director shall provide the Board response to the employee(s), supervisor(s), and next level of supervision. Recommendation or decision by the Grievance Board shall be final and binding. Failure or unwillingness to follow Boards recommendation(s) may lead to disciplinary action of either party.

7-3 SUSPENSION/TERMINATION APPEAL PROCESS:

*An **appeal** is a process in which an employee can request a formal review or change of an official disciplinary decision by the immediate supervisor. The appeal process will provide the employee due process in the decision of a suspension or termination.*

A regular full-time, permanent employee may submit an appeal from a disciplinary action only when the discipline being imposed is that of suspension or termination. Any other forms of discipline may not be appealed using this process.

Temporary and part-time employees are not covered by this section and are subject to immediate termination without notice, cause, or appeal rights. UTTC employees who are on a probationary status as a new hire or due to disciplinary action are not covered by this section and are subject to the same terms and conditions as a temporary or part-time employee.

The Human Resources Director will note the date on which the appeal was received in the office, and notify the Appeals Board, supervisor, and employee of a date, time and place of the

appeal hearing. **The appeals hearing decisions are subject to review by the President in accordance to this Section.**

The guidelines for the formal Appeal procedure at UTTC are as follows:

1. Filing an Appeal. A written request must be submitted no later than five (5) working days from the receipt of the supervisor's decision; the written statement should explain the reason(s) that the employee is appeal the decision and attach a copy of the Employee Warning notice for suspension or termination. The Human Resource Director shall transmit the request to the President for notice to assemble the Appeals Board.
2. Appeals Board Composition. The Appeals Board shall be composed of five (5) UTTC employees, appointed by the President and representing the major employee groups at the College, excluding the employee's supervisor. Three members of the Appeals Board will serve a one (1) year term and two (2) members will serve two (2) year terms. The selection of length of terms for the five (5) members will be by lot. Service on the Appeal Board is voluntary, and refusal of any employee to serve on the Appeal Board will not result in any discipline. The President may appoint any number of alternates.

The President's office shall maintain a list of Appeal Board members and alternates at all times. In the event of death, disqualification, incapacitation, conflict of interest, resignation or, termination from the Appeal Board, the President may appoint replacement members at any time as necessary or may fill the position from the list of alternates.

3. Notice of Hearing: Pre-Hearing Matters. The Human Resources Director, on behalf of the Appeal Board shall provide the employee, supervisor(s), and/or other involved party at least ten (10) working days written notice of the date set for a hearing on the appeal. Every effort shall be made to schedule the hearing within twenty (20) working days from the receipt of the Appeals hearing request to the Human Resources Director. Prior to the hearing, the Appeals Board will be provided with materials regarding the appeal and provide a list of any witnesses or outside parties.

A request by any party for the presence of a UTTC employee or another witness at an appeal hearing must be made not less than five (5) working days prior to the date set for the hearing, and must include an address and telephone number, if any. The President's office shall promptly inform any employee or other witness requested to be present of the date and time for the hearing and encourage the employee or other witness to be present, but shall also inform the employee or other witness that his or her presence at the hearing is strictly voluntary. If an employee is requested to be present and does not choose to appear, the employee so requested will be afforded administrative leave, or if the witness is a UTTC student, the student shall be provided an excused absence from class.

4. Conduct of Hearing. Prior to the hearing, the Human Resources Office will ensure that training is provided to the Appeals Board about the role and powers of the Board and

the conduct of the hearing. Normally, attorneys need not be present representing any party.

Any witnesses who are present may be asked to leave the hearing room while other testimony is being given. The employee may have an attorney present and may have the proceedings transcribed, all at his or her own expense. Should the employee have an attorney present, UTTC reserves the right to have an attorney present to represent its interests. At its option, the Appeals Board may also be represented by an attorney.

At the hearing, the order of presentation is as follows: a) The employee who filed the appeal shall first present his or her reasons and material for appealing; b) The supervisor of the employee shall be present and may present information to the Appeals Board leading up to the disciplinary decision; c) Any witness asked to provide evidence may be questioned by the Appeals Board and no other party.

5. Continuance of Hearing. The appeals hearing may be continued from time to time, with the permission of the parties or at the discretion of the Appeals Board, as may be necessary to allow all relevant information to be presented to the Board or for other just cause.
6. Appeals Board Recommendation. Upon the conclusion of the hearing, or as soon thereafter as practicable, the Appeals Board will make its recommendation in the matter. The Appeals Board may recommend that the decision of the supervisor may be reversed, modified, upheld, or other conditions be placed on either party. The decision of the Appeals Board must be made submitted to the President in writing and clearly stating UTTC policies or other authorities which support the decision. The findings and recommendations of the Appeals Board shall be presented to the employee and supervisor. The decision of the Appeals Board is final, unless the decision is reinstatement from termination or termination, a suggested change in UTTC policy, or a remedy apart from the UTTC policies or which suggests a remedy apart from the kind of actions that UTTC's administration may take relating to employee conduct that are stated in this Handbook.
7. The President's Decision. The President may reverse or modify the decision of the Appeals Board regarding a termination only if the President finds it to be arbitrary or capricious, or so damaging to the welfare of UTTC that it must be reversed or modified. The President has the option to present the termination decision to the Board of Directors for resolution. The President may take under advisement any recommendation of the Appeals Board which suggests a remedy apart from the UTTC policies or which suggests a remedy apart from the kind of actions that UTTC's administration may take relating to employee conduct that are stated in this Handbook. The President's decision regarding any decision subject to his review shall be in writing from his office and sent to the employee who filed the appeal; the supervisor, and the Human Resource Director, as soon as practicable following receipt of the Appeal Board's decision by the President's office. Except as otherwise stated in this subsection, the President's decision is final.

8. Following the Decision. If the Appeals Board decides rescinded a suspension or termination and the President concurs, the employee is to return to work on the next working day after receiving the President's determination, and the employee will receive back-pay for all days during which the employee was suspended without pay or for days of termination.

If a suspension is upheld by the Appeals Board; they employee must adhere to any reasonable conditions, or recommendation set forth by the Appeals Board. Failure to do so will result in immediate termination.

If the termination is upheld by the Appeals Board and the President concurs, the employee must submit all keys, reports, and UTTC property to the Human Resources office the next working day.

PART 8

TERMINATION OF EMPLOYMENT

8-1 EMPLOYMENT TERMINATION

Since employment with UTTC is based on mutual consent, both the employee and the College have the right to terminate employment at will at any time. Employees with a contract shall be terminated or resign in accordance with the terms of the contract. Terminations are an inevitable part of activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION – Voluntary separation of employment by the employee.

DISCHARGE – Separation of employment initiated by the College.

LAYOFF - involuntary separation of employment initiated by the College for non-disciplinary reasons, including a reduction in force (RIF), layoff because of lack of funds, or restructuring of any program or department at UTTC. See Sections 7-3 and 7-4.

MEDICAL TERMINATION – separation of employment initiated by the employee or by the College when an employee is unable, for health reasons, to continue to work.

RETIREMENT - voluntary retirement from active employment status initiated by the employee.

Employees will receive their final pay in accordance with applicable law.

Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

8-2 REEMPLOYMENT BENEFITS

Any former employee who was laid off because of lack of work, lack of funds, restructuring, or a change in duties and is rehired within one (1) calendar year will be eligible for re-instatement of benefits based on the following schedule:

Within six (6) months	reinstated at	100%
From six (6) months to one (1) year	reinstated at	50%

Employees who have voluntarily resigned will not be eligible for reinstatement of benefits.

8-3 REDUCTIONS IN FORCE AND RESTRUCTURING

UTTC reserves the right to layoff employees or restructure its work force as necessary. A Reduction in Force of UTTC employees, also known as a layoff, or a restructuring, may be made necessary by a number of factors. Typically, the reason for a layoff is lack of funds, but it also may be made necessary by a restructuring of programs at UTTC caused by a realignment of administrative functions or duties, a shift in educational priorities, a lack of interest in certain programs by students, an introduction of new programs more relevant to the workplace or a change in available physical facilities or a combination of those and other factors, among other things. Any restructuring or reduction in force will be coordinated through the Human Resources Office to ensure that the procedures provided in this section are followed.

Prior to any layoff or restructuring, UTTC officials will try, to the maximum extent possible, endeavor to discuss the reasons for the proposed layoff or restructuring with all affected employees as soon as possible after determining that such a layoff or restructuring is necessary. Seniority, rate of pay, job skills, job performance, the need or lack thereof for the employee's services, and availability of funds for the employee's position are relevant factors in determining which employees are subject to layoff, transfer, promotion, or restructuring.

To the extent possible, and subject to the employee's contract with UTTC, any employee subject to layoff or termination because of restructuring shall be given fourteen (14) days' notice of the layoff or restructuring. The notice provided to the employee shall include a statement of the reason for the layoff or intended restructuring, and will include a general description of any other job available and unfilled at UTTC, if any, for which the employee has met the minimum qualifications. Any employee subject to layoff or restructuring will be given an opportunity to apply for remaining available positions and will be given a preference for such positions, subject to a consideration of the factors named above in reference to any other employee who might also meet the minimum qualifications. Any notice that lacks the content described above, or is not provided within the suggested timelines suggested above, does not grant to the employee any right to reemployment following such incomplete notice of layoff or restructuring as may be provided to the employee.

The above policy applies to all employees at UTTC, regardless of seniority, level of education, responsibilities, teaching position, or otherwise. The right of any employee to receive notice of continuation of employment with UTTC following the expiration of the employment contract and to renegotiate that contract from year to year is contained within the employment contract between the employee and UTTC. In the event of any variance between this Handbook and the written contract between UTTC and any UTTC employee, the contract with the employee shall prevail.

When the work force in a department is decreased on a non-permanent basis, employees may be transferred to other departments or placed on a leave without pay status according to seniority within their department. If the work force is decreased permanently, employees may be transferred to other departments or laid off based on seniority, job skills, rate of pay, job performance, need for the employee's services or availability of funds. An employee's department or the College may retrain or seek transfer for employees with a particular skill even though more senior employees are transferred or laid off.

Employees subject to layoff or termination because of restructuring may be given first preference for other jobs, and have a right to interview with any department that is hiring employees. Any present employee who transfers to a different department within the College may be subject to a six (6) month probationary period as provided in Section 2-2 above. If an employee's previous job becomes open or a comparable one becomes open, if feasible, and reasonable, the employee may be returned to that job on a non-probationary basis.

8-4 ORDER OF LAYOFF AND NOTICE

When a layoff is necessary due to an anticipated or actual lack of funds, UTTC shall endeavor, if possible, to provide any affected employees at least fourteen (14) days' notice. In general, the order of layoff will be:

1. Temporary or Part-Time employees
2. Probationary period or probationary employees
3. Full-time Regular employees

When two employees in the same department have the same seniority, the best-qualified employee is retained. The same "best qualified" condition applies to recalls after a temporary layoff.

When openings exist in other departments during a layoff, employees scheduled to be laid off are offered a transfer. Qualified employees transferred to lower-rated jobs receive the maximum rate of pay for the lower-rated job. Selection of employees to fill openings available during a layoff is based on seniority when skill factors are substantially equal. Employees selected for layoff are given notice or pay in lieu of notice as follows: nonexempt workers, at least three (3) full workdays' notice before the date of termination or three days' pay in lieu of three (3) days' notice; exempt workers, at least two (2) full weeks' notice before the date of termination or two weeks' pay in lieu of notice.

8-5 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with UTTC. Other than an employee leaving at the expiration of any contract the employee may have with the College, at least two (2) weeks' advance notice of a resignation by an employee is required to be given to the employee's supervisor or the President of the College, unless otherwise provided by the employee's contract with the College. This policy does not apply in the event of an emergency (for example, a death in family, sudden illness, or a natural disaster). Failure to provide two weeks' advance notice subjects the employee to a potential action for breach of contract, including monetary damages caused by the early termination.

Any employee resigning voluntarily must comply with Section -5, above, regarding return of UTTC property.