



Nay Ah Shing School

Personnel Policies

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I. INTRODUCTION

Nay Ah Shing School Board welcomes you. We believe that each and every employee contributes directly to the success of the Nay Ah Shing School. This success depends in large part on the implementation and adherence to personal policies and procedures that are fair and impartial and that allow employees to develop to the best of their abilities and potential.

This manual outlines policies and procedures specific to Nay Ah Shing School. The purpose of this manual is to develop policies that meet the needs of the students, as well as the social, economic, and program needs of the school. One of the School Board's objectives is to provide a work environment that is conducive to both personal and professional growth. Some of the guiding principles behind the Nay Ah Shing School personnel policies include:

- Advancement and retention of employees on the basis of their abilities, knowledge and skills.
- Nondiscrimination in any aspect of employment on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation or any other characteristic protected by federal or state law.
- The maintenance of a professional and respectful working environment.

You should read, understand and comply with all provisions of this manual. It describes many of your responsibilities as an employee and/or a supervisor and outlines the programs developed by Nay Ah Shing School to benefit employees. No policy and procedures handbook can anticipate every circumstance or question about policy. Accordingly, the School Board reserves the right to revise, supplement or rescind any policies or portion of this handbook as it deems appropriate to better serve the School and its employees. Employees will be notified of such changes to the handbook as soon as it is feasible.

The administration and staff also may submit suggested modifications or amendments to these policies to the School Board for their consideration. Recommendations for a change to these policies may come through the following channels:

- Leadership Team recommendation
- Letter to the Principals outlining proposed change and a request to present the change to the School Board

II. REPORTING STRUCTURE

A. Commissioner of Education

The Commissioner of Education reports to the Administrative Policy Board (APB) on behalf of Nay Ah Shing Schools. The Board delegates the administration of the school to the School Principals, or his/her designees.

B. School Board

The School Board has the direct responsibility to administer policies for Nay Ah Shing School. The Board delegates the administration of the school to the School Principals, or his/her designees.

C. Program Directors, Coordinators, and Supervisors

Program Directors, Coordinators and Supervisors are charged with supervising the operation of the individual school programs and the employees assigned to those programs. Program Directors, Supervisors, and Coordinators are assigned by the Principal and approved by the Administration Policy Board.

D. Other Employees

All other employees report to Program Directors, Supervisors, or Coordinators as assigned.

III. EQUAL EMPLOYMENT OPPORTUNITY

A. Disability Accommodation and Anti-Discrimination

The Nay Ah Shing School is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. Reasonable accommodation is available for all qualified disabled employees if such reasonable accommodation would enable the employee to perform the essential functions of the position and not create an undue hardship on the school.

B. Sexual and/or Other Unlawful Harassment and Discrimination.

The Nay Ah Shing School is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion, sexual orientation, disability, class or any other legally protected characteristic will not be tolerated.

Sexual harassment is prohibited and includes any unwelcome sexual advance, request for sexual favors and verbal or physical conduct of a sexual nature when:

Submission to or rejection of such conduct is used as a factor in any employment decision affecting any individual; or such conduct has the purpose or effect of unreasonably interfering with any employee's work performance or creating any intimidating, hostile or offensive working environment.

Prohibited harassment is not limited to sexual harassment. Any employee who engages in harassment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to public assistance, disability or age, or who permits employees under his/her supervision to engage in such harassment; or retaliates or permits retaliation against an employee who reports such harassment shall be subject to disciplinary action, up to and including termination of employment.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable, or is the perpetrator of the harassment or discrimination, or the employee believes it would be inappropriate to contact that person for any other reason, the employee should immediately contact the Administrator, a Principal, the Superintendent, a School Board member, or the Human Resources Department of the Mille Lacs Band. Employees can raise concerns and make reports without fear of retaliation.

Any supervisor who becomes aware of possible sexual or other unlawful harassment should promptly advise Administration, a School Board member or the Mille Lacs Band Human Resources Department, who will handle the matter in a timely manner.

Nay Ah Shing School will investigate and attempt to resolve all employee complaints promptly. If for any reason, an employee believes the situation has not been satisfactorily resolved in a reasonable period of time, the employee should report the problem to the Title IX Coordinator of Nay Ah Shing School.

IV. BACKGROUND CHECKS AND CRIMINAL OFFENSES

A. “The Indian Child Protection and Family Violence Prevention Act” of 1990.

Under federal law, each Indian tribe or tribal organization that receives funds under the Indian Self-Determination and Education Assistance Act or Tribally Controlled School Act of 1988 shall conduct an investigation of character of each individual who is employed or is being considered for employment by such tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and shall employ individuals in those positions only if the individual meets minimum standard character requirements. Federal law requires fingerprinting as part of the background check process. Background checks are valid for three years unless certain programs require them to be done annually.

B. Volunteers and Contractors.

The minimum investigation requirement for these visitors is a criminal history background check. For all Office of Indian Education Programs (OIEP) volunteers, please refer to 62 BIAM regulations.

C. Minimum Standard for Employment at Nay Ah Shing School.

Nay Ah Shing School will not hire and will immediately dismiss from employment any person who has been found guilty (or who has entered a plea of guilty or nolo contendere) to any offense under Federal, State, or Tribal law involving any of the following:

- Crimes of violence;
- Sexual assault;
- Sexual molestation;
- Sexual exploitation;
- Sexual contact or prostitution;
- Crimes against persons;
- Crimes involving a child victim; or
- A drug felony.

Other factors may also disqualify an applicant from being hired or will permit dismissal of an employee. These factors include but are not limited to: misconduct or negligence which interferes with an employee's performance of their responsibilities and duties; dishonest conduct; threat to property or other persons; illegal use of drugs or abuse of drugs or alcohol without rehabilitation; and knowing activity intended to disrupt government programs. (25 C.F.R. § 63.12).

After reviewing the results of the background check, the Human Resource Department will determine the eligibility of the applicant or volunteer for a particular position; determine the degree of risk the individual brings to the position; and determine whether the individual's past conduct would interfere with his/her performance of duties, or create an immediate or long-term risk or pose a risk of harm to others.

D. Criminal Offenses

All employees are required to report any charges of a felony or gross misdemeanor to their supervisor within one working day of the charge.

All employees on the Mille Lacs Band Insurance list are required to report any traffic violations to their immediate supervisor within one working day of the charge.

Failure to report or disclose any information relative to violations or past criminal activity may result in disciplinary action up to and including termination. (*See appendix*)

V. EMPLOYMENT CLASSIFICATION; PROBATIONARY PERIOD; FULL AND PART-TIME POSITIONS

Certified employees (licensed teachers and administrators), will remain on probation for two years. This means that they will not be considered a permanent employee until the completion of the probationary period; however, from the commencement of employment, termination of certified employees may only be “for cause,” as defined in Section XHIA. Certified employees will receive benefits upon the commencement of their employment. Probationary status can be extended upon the discretion of the supervisor.

Non-certified (or non-licensed) employees will remain on probationary status for 90 days from the commencement of their employment. During the 90-day probationary period, a non-certified employee may be terminated at will, or for any or no reason. Following the probationary period, a non-certified employee may be terminated “for cause,” as defined in Section XHIA. At the end of this probationary period, the employee will be entitled to receive full benefits beginning on the first day of the following month.

Employees must complete a probationary period before being eligible for promotion. The serving of a probationary period, however, shall not prevent an employee from being considered for selection to another position that is not a promotion or merit increase. If selected for another position, the employee will then serve the required probationary period for that position.

Whether a position is full or part-time is determined upon the posting of the position by the Commissioner of Education, within his/her discretion. A full-time position requires that the employee work more than 30 hours per week. An employee in a full-time position will receive benefits as described in Section VII. Any position which requires that the employee work 30 hours or less per week is considered a part-time position which does not entitle the employee to benefits.

VI. SALARY

Salaries are determined based on the teacher salary scale and the compensation grade scale. Factors to include: years of experience, credentials, supervisor evaluation(s) and/or program budget modifications.

In the event of a budget reduction or unsatisfactory performance, the Administration, within its sole discretion, may recommend a salary freeze or decrease.

The Immediate Supervisor must evaluate every employee annually. The Administration Policy Board may approve or disapprove the recommendations. The Commissioner of Education may also amend salaries for provisional licensure status when the situation(s) occur.

Deductions from employee paychecks include federal and state income tax and social security (FICA). Additional deductions, as requested by an employee, may include dependent health or dental coverage, retirement contributions and other deductions, as allowable.

VII. "SCH" STATUS

"SCH" status refers to personnel whose main job requires a:

- Teacher/administrative role with students
- Minnesota Department of Education license (file folder #)
- Post-Secondary or Bachelor Degree

SCH employees or licensed teachers are allowed 16 personal (annual) hours and 64 sick hours per year. Eight hours of personal (annual) leave can be carried over upon written request before August 15th. Anything over eight hours will be paid out September 30th, at the end of the fiscal year.

SCH employees work during the school year for 42 weeks and off during the summer for ten weeks. Should a SCH employee not fulfill their 42 week obligation during the school year, summer pay may be reduced depending on the excessive time away from work. SCH employees work day is 8am-4pm unless stated on the school calendar; there is NO comp time.

SCH employees' summer pay will be prorated:

- Starting after October 1st
- Use up all annual and sick leave

VIII. Letter of Intent

Letter of Intent:

All personnel must submit their letter of intent to return to work the following school year by the end of each school year. The letter of intent will be made part of the employees personnel file.

Dear Staff Member:

Please fill out this notice of employment as a Teacher or Hourly employee with Nay Ah Shing Schools for the 20__-20__ school year. Return a signed copy of this letter to your building Principal/Supervisor indicating your intentions. Please do so no later than Friday, April 7, 20__.

Your failure to respond to this notification will be considered as a declination of continued employment for the 2017/18 school year.

We will respond back to those returning by Friday, May 5, 20__

Notice to SCH Status Staff: IF YOU ARE NOT RETURNING, your benefits will continue through the summer. Your period of employment in this position is indicated at the top of this letter. During this period you will be expected to be available for work. Please be sure that we have your most current mailing address and telephone number on file. If there are any changes to that information, please indicate them below.

Circle One

I DO I DO NOT intend to continue employment in 20__-20__.

Signed

Date

Print Name

Job Title

Address

Telephone #

Emergency #

“Leaders of the Pack”

Nay Ah Shing High School
P) 320-532-4695
F) 320-532-4675
43651 Oodena Drive

Nay Ah Shing Lower School
P) 320-532-4690
F) 320-532-4718
43521 Oodena Drive

Pine Grove Academy
P) 320-384-7598
F 320-384-7584
63842 Ojibwe Road

IX. Employee Benefits

It is the policy of the Nay Ah Shing School that all full-time SCH teachers shall receive certain employee benefits upon hire (non-certified employees will receive benefits after the expiration of their 90-day probationary period). Consultants or part-time employees are not entitled to these benefits.

The following benefits are available to full-time employees of the Nay Ah Shing School. Full-time employees must contact the Mille Lacs Band Human Resource office to obtain information and to initiate employee benefits.

- a. Health and Dental Insurance
- b. Retirement
- c. Short term Disability
- d. Long Term Disability
- e. Worker Compensation
- f. Life Insurance
- g. 401(k) Upon completion of 12 months of service as a regular full-time employee

X. ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, Mille Lacs Band expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Mille Lacs Band.

Building Hours: 7:30am-5:00pm (unless a scheduled activity)

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, the employee should notify his or her supervisor as soon as possible and in advance of the anticipated tardiness or absence. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, the employee should contact another supervisor and should also contact her supervisor's administrative assistant. Failure to notify the supervisor of any absence or delay may lead to disciplinary action.

Employees who are absent from work for three consecutive days without giving proper notice to their supervisor will be considered to have voluntarily resigned their position.

Poor attendance and excessive tardiness are disruptive and will lead to disciplinary action, up to and including termination of employment.

If you are not going to be in to work, please notify your supervisor by 6:00 a.m. or the night before, if possible. This allows administration time to call in for substitute teachers.

Teachers need to have a sub folder prepared or you can email the Principal your lesson plan for the sub teacher.

TimeTrax

We are currently utilizing this system for timekeeping when entering and leaving the building(s) for **hourly** staff.

XI. ABSENCE AND LEAVE

a) Sick Leave for Compendium or Hourly Employees

Sick leave is a benefit and not an entitlement. Sick leave is not to be used in lieu of annual leave.

- Nonexempt/Exempt employees accrue sick leave as follows:

Hours worked per pay period	Sick leave earned
40 hours	2.00 hours
30 hours	1.50 hours
20 hours	1.00 hours

You are allowed to carry over 160 hours of sick leave at the end of the year.

b) Annual Leave for Compendium or Hourly Employees

Annual Leave with pay is available to regular full-time and regular part-time employees.

The amount of paid annual leave that employees receive each year increases with the length of continuous employment as shown in the following schedule:

Years of Service	Rate Per Hour Worked
1 – 3	.05
4 – 6	.0625
7 – 9	.075
10 – 12	.0875
13 +	.1

Annual leave is calculated on a weekly basis.

Employees will not accrue annual leave while they are on paid annual, sick or other leave.

During the probationary period, employees accrue annual leave, but may not take any annual leave until they have successfully completed the probationary period unless special permission is granted by the supervisor. Once employees enter the eligible employment classification, employees can use earned annual leave including that which accrued during the probationary period. An employee who terminated employment for any reason during the probationary period is not eligible to receive annual leave payout.

Paid annual leave can be used in minimum increments of one-half hour. To take annual leave, employees must make a request two days in advance, if possible, and receive approval from their supervisor. Requests will be reviewed based on various factors, including business needs and staffing requirements. Emergency situations will be considered by the supervisor when employees make his/her request for leave.

In the event that accrued annual leave is not used by the end of the benefit year, employees may carry 80 hours of unused time forward to the next benefit year. Any accrued annual leave beyond 80 hours will be forfeited. Only if funds are available will annual leave under 80 hours be paid out.

Upon termination of employment, employees will be paid for unused annual leave that has accrued through the last day of work, less the employee's portion of health and dental premiums and any outstanding bills owed to the Band in the form of Band loans, equipment loss or repair, etc.

Employees may not go into a deficit situation on annual leave without written approval by their supervisor. This situation may only occur in extraordinary circumstances. If an employee has exhausted all accrued annual leave, the employee has the option to make a request for unpaid leave and request approval of their supervisor.

c) Family and Medical Leave

The Nay Ah Shing School provides family and medical leaves of absence without pay to eligible employees to take time off from work for a serious health condition or to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Regular full-time employees who have completed one year of service are eligible to request family leave as described in this policy.

Eligible employees should make requests for family or medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. You will need to obtain the necessary paperwork from the Mille Lacs Band Human Resource Office.

Employees requesting medical leave or family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a leave, its beginning and expected ending dates, and the estimated time off of work required.

Eligible employees may request up to a maximum of twelve (12) weeks of medical or family leave within any twelve (12)-month period. Employees will be required to first use any accrued paid leave time before taking unpaid medical leave. The period of paid leave shall be considered part of the twelve (12) weeks of leave entitlement. Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than thirty (30) calendar days. Married employee couples may be restricted to a combined total of twelve (12) weeks of leave within any twelve (12) month period for childbirth, adoption or placement of a foster child; or to care for a family member with a serious health condition.

Please note that before any personnel go on short-term disability or FMLA they are required to turn in their swipe card and keys for security purposes. Staff will receive their card and keys when they return from leave.

Subject to the terms, conditions, and limitations of the applicable plans, the Nay Ah Shing School will continue to provide health and dental insurance benefits for the full period of the approved family or medical leave. However, the employee will be responsible for the employee's contribution portion of the premium.

Benefit accruals, such as vacation, sick leave or holiday benefits, will be suspended during the unpaid portion of the leave and will resume upon return to active employment.

An employee who returns from a family or medical leave in a timely manner may be reinstated to the same position that the employee held at the commencement of the leave or to an equivalent position with equivalent benefits and pay for which the employee is qualified. The School Board retains right to transfer an employee requesting intermittent leave to a different position with equivalent pay and benefits in order to best serve the School's operational concerns during the duration of the leave.

If an employee fails to return to work on the agreed upon return date, the School Board will consider that the employee has resigned employment.

d) Funeral Leave

In the event of a death of a family member (defined as the employee's spouse or partner, parents, children, siblings, step-children, grandparents, grandchildren, aunts, uncles, nieces, nephews, first-cousins and in-laws), regular full-time employees will be granted up to three (3) days of funeral leave at the discretion of the principal or supervisor. With their supervisor's approval, employees may use any available annual or sick leave for additional time off as necessary. Supervisors will be responsible to manage the impact of the leave on their program.

Some community members may wish to attend funerals of local members of the Mille Lacs community. Although an employee would not be eligible for funeral leave to attend the funeral of a non-family member, Nay Ah Shing school supervisors will make every attempt to accommodate these requests depending on the staffing needs of the school. Annual leave would be used for this request.

e) Time with Child

Employees are encouraged to spend time with their child during school activities or school sponsored events. Employees are allowed up to a total of sixteen (16) hours during any twelve (12)-month period to attend school events related to the employee's child that cannot be scheduled outside of the employee's regular work hours. This time off will be monitored by the immediate supervisor and should be scheduled in advance when the leave is foreseeable. Employees may use their own accrued sick leave in the event of the illness of a child.

f) Emergency Leave

If, for any reason not covered under another policy, an employee needs to be absent from the work place, the employee must notify her/his immediate supervisor. The supervisor will determine what action to take.

g) Band Holidays

All full-time employees who receive benefits shall receive major holidays with pay as declared by the Commissioner of Administration. (*See appendix*)

If a holiday occurs while a non-exempt employee is out on sick or annual leave, the day of the holiday will not count against the employee's annual or sick leave. Employees must work the day before or the day after to receive holiday pay, unless you have prior approval by your Supervisor. Holidays are not considered staff duty days for non-exempt staff. Non-exempt employees shall be required to use annual leave time for scheduled school breaks or go without pay. They will also need to follow the School Calendar for early release days-1pm when Band Holidays start at 12pm.

h) Training

It is the policy of the Nay Ah Shing School to encourage all employees to further develop their skills. Training may be required by the supervisor if deemed necessary. Any participation in off-site training or non-mandatory training must be approved in advance by the employee's immediate supervisor and the principal, who must assess the overall benefit of the training to the School. When possible, local resources should be utilized to conduct the training. Supervisors and principals are responsible and accountable for training within their division.

i) Work Hours

Employees are required to work the hours assigned by their supervisor. The shift may be changed or assigned for the benefit of the school program. Employees who do not report to work according to these policies will be subject to discipline, including, but not limited to, termination. On occasion, selected staff may have work assigned to them over the noon hour. Other staff members are expected to take a ½ hour lunch break. Non-exempt, or non-certified, staff will be assigned a 15-minute morning break and 15-minute afternoon break.

XII. DISCIPLINARY ACTION

The Nay Ah Shing School's best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future.

A. Cause for Disciplinary Action

1. Cause for disciplinary action includes but is not limited to the following conduct:
 - a. Willful violations of school rules and regulations;
 - b. Mishandling of funds;
 - c. Unexcused tardiness and absenteeism;
 - d. Abuse of attendance or leave policies;
 - e. Misrepresentation of hours worked;
 - f. Incompetence;
 - g. Insubordination, including deliberate attempts to break rules and regulations of the school or deliberate undermining of school and School Board objectives;
 - h. Use of chemical intoxicants on duty, or reporting to duty while under the influence of chemicals;
 - i. Unwarranted use of physical force against another individual;
 - j. Mishandling or destruction of equipment or property of the Mille Lacs Band of Ojibwe or Nay Ah Shing School;
 - k. Abuse of authority or abuse of other individuals;
 - l. Fraternizing, dating, providing drugs or alcohol, or partying with students of Nay Ah Shing School or students from other schools;
 - m. Engaging in conduct in violation of the Nay Ah Shing School's personnel policies (including but not limited to discrimination, harassment or retaliation);
 - n. Disruptive behavior in the workplace;
 - o. Performance Problems, including:
 - (1) Failure to follow orders or directions of a supervisor;
 - (2) Neglect or failures to perform job duties
 - (3) Failure to perform work in an efficient, timely and accurate manner;
 - (4) Failure to perform satisfactorily on a consistent basis;
 - (5) Failure to comply with the terms of a grant or contract;
 - (6) Inappropriate use-- Electronics (cell phones, computers, tablets, etc.)

SEE APPENDIX

XIII. Professional Conduct

A. Professional Conduct

I will respect and promote the unique identity of each child and family, and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion, or disability.

I will follow program confidentiality policies concerning information about children, families, and staff members.

Child safety is my first priority. No child will be left alone or unsupervised while under my care.

I will use positive methods of child guidance and will not engage in corporal punishment, emotional or physical abuse, or humiliation. I will not employ methods of discipline that involve isolation, the use of food, or water as punishment or reward, or the denial of basic needs.

I will not solicit or accept personal gratuities, favors, or anything of significant monetary value from contractors, potential contractors, enrolled families, or families wishing to be enrolled.

I will not conduct personal business while I have responsibility for the health and safety of children.

I will not have financial interests or outside employment that conflict with the performance of duties.

I will maintain and promote professionalism. I will not talk negatively about the program, families, staff, or children.

I will maintain complete respect to others, including those with opinions different from my own.

I will take care of all equipment and supplies, and teach children to also respect material things through modeling appropriate behaviors.

I will adhere to equal employment opportunity laws and all other regulations.

I will promote the Nay Ah Shing program and advocate for children and families. I realize that everyone in Nay Ah Shing is a recruiter, and ambassador of good will. I will remember that my behavior in the community during and outside of work hours reflects on the program.

I will follow the chain of command with professionalism and respect.

I will maintain good employee performance, including good attendance, being punctual, practicing collegiality and team work, accepting responsibility, being honest, engaging in professional development activities for lifelong learning, and respecting authority.

I will make sure that when I am alone with Child/Children... I will stay in an open area middle of the room that can be easily observed by others passing by and avoid physical affection that can be misinterpreted.

Nay Ah Shing Schools mandates the following:

1. Refrain from swearing or telling off-color jokes.
2. Play only appropriate music around children. Example-Cultural, Instrumental, Produced for children)
3. Refrain from inappropriate discussion in earshot of children, including gossip; personal problems; negative statements about others, or relationships issues.
4. Not use or be under the influence of alcohol or any other illegal substance in the presence of children, including outings such as field trips or Family Activities.
5. Not smoke on education grounds or on any program sponsored activity, where children are present.
6. Have no sexually oriented materials or pornography (including the electronic media), in the presence of children.
7. Share no secrets with children.
8. Dress conservatively and modestly, following dress code.
9. Not stare at or comment on others' appearance or physical nature.
10. No employee of the school will fraternize with, date, or provide drugs or alcohol to students of the Nay Ah Shing School or students of other schools

B. Physical and Verbal Abuse

Staff and teachers will not use physical punishment against students, (hitting, slapping or spanking). A student may be restrained in a reasonable manner in order to prevent injury to self or others, or to prevent destruction of property.

Staff will not make any profane, offensive, racial, or otherwise inappropriate remarks or comments to the students or other staff.

A staff person may protect himself or herself from physical abuse by a student or a non-student in a reasonable manner. Should a staff member become involved or be accused of physical or verbal abuse toward a student, their immediate supervisor will be notified and determine whether disciplinary action is warranted.

The Nay Ah Shing School will provide training and materials on techniques in cases of student violence towards other students, themselves, or flagrant damage to property.

All suspensions or administrative leave will be unpaid pending the outcome of any investigation into alleged abuse.

C. Chemical Abuse

Any use of alcohol and other chemical intoxicants of school employees, while on the job, are forbidden. If an employee is suspected of violating this policy, they may be asked to submit to testing. A refusal to submit to testing will be considered a positive test result for drugs and alcohol. A positive test will result in immediate suspension without pay and /or up to termination.

Employees are encouraged to seek professional assistance and will be granted leave to attend a regular chemical abuse program when a written recommendation is received following a professional evaluation. This recommendation must include the name of the treatment facility and the approximate length of treatment. Employees may also apply for short-term medical disability. Employees may return to work upon completion of treatment. A written statement of continuation or completion must be submitted to the Human Resource Department.

If the employment behaviors relating to chemical use have resulted in corrective action, the Employer may require cooperative discussion with the chemical dependency counselor on behalf of the employee.

Any use of any potential mood-altering drug for medical reasons must be reported to the supervisor.

Nay Ah Shing employees follow the Mille Lacs Band of Ojibwe law regarding drug and alcohol testing procedures. (*See Appendix*)

Nay Ah Shing school transportation employees will also need to follow State Transportation guidelines regarding random testing procedures.

D. Mandated Reporting

All Staff are mandated reporters by law. Failure to report is subject to prosecution. Reports of abuse are to be reported by the staff member who witnesses or suspects abuse. If a student discloses information that is suspect, or if you have reasonable cause for suspicion, you are required to report. Staff is not in a position to determine the validity of the evidence or information. Staff does not make judgment or investigate.

E. Title IX (see appendix)

Reporting process is as follows:

- a. A written document to immediate supervisor
- b. Supervisor will forward to the appropriate entity
- c. Entities to include:
 - (1) Mille Lacs Band Social Services
 - (2) County Social Services
 - (3) Mille Lacs Tribal Police
 - (4) School Social Worker

Procedures for Governing Interactions between Employees and Children Outside of Regularly Scheduled Program Activities

In our community there are employees who have pre-existing relationships with children and families. These relationships existed prior to the child becoming a student in the program and/or adult becoming an employee of the program. As a program we honor those relationships but always ask and expect that parents are aware of and involved in the contact/relationship outside of NASS sponsored activities.

Please remember, however, that employees should adhere to the standards of conduct during school hours with all children – even children who they know outside of school. For example, even between a mother/aunt/cousin and a child, comments like, “You’re going to get a spanking” are not appropriate for school. Other children and adults who don’t know the relationship between the teacher and child may overhear these comments and get the wrong idea.

Also, employee bringing his/her child to work (with prior supervisor approval) will not leave the child unsupervised, nor leave campus without his/her child.

Procedure for Responding to Reports of Suspicious or Inappropriate Behaviors

Respond to all worries of inappropriate or suspicious behavior.

1. Discuss suspicious or inappropriate behavior with your immediate supervisor and document in writing what you witnessed or heard.
2. Supervisor will provide the employees with feedback and follow the progressive disciplinary procedure if necessary.
3. Document steps that were taken.
4. Immediate supervisor must review, sign, and date documentation.
5. Develop a corrective action plan to prevent a reoccurrence.
6. Remember all staff is mandated reporters and should report suspicious or inappropriate behaviors.
7. Employees are hereby notified NASS has a Zero Tolerance Policy for Inappropriate Behaviors. Staff found to have engaged in suspicious or inappropriate behaviors will be immediately disciplined, up to and including termination.

Procedures for Responding to Allegations of Abuse

For allegations of suspected abuse, program administrators will:

1. Immediately respond to all abuse allegations.
2. Ensure confidentiality to the fullest extent.
3. Place alleged perpetrator on administrative leave, without pay, until the completion of the investigation.
4. Inform the alleged perpetrator he/she is not allowed to have contact with any child until the completion of the investigation.
5. Protect the alleged victim from intimidation, retribution, or further abuse.
6. Notify the proper authorities

XIV. CONFIDENTIALITY

CONFIDENTIALITY: TO RESPECT THE PRIVACY OF CHILDREN, FAMILIES AND CO-WORKERS AND HOLD IN CONFIDENCE ALL INFORMATION THAT IS OBTAINED AS AN EMPLOYEE OF NAY AH SHING SCHOOLS.

During the registration process, it is the Nay Ah Shing staffs’ responsibility to inform the family of their right to confidentiality. The family must also be informed of certain instances that must be reported by law; this includes suspected abuse and/or neglect.

The following records and information are kept in locked file cabinets at the administrative office and in the centers:

* Services applications	* Diagnostic data from professionals (including medical data, special needs information, etc.)
* Income verification	* Mental Health Services information
* Lists of enrolled children	* Social Services information
* Attendance records	* Significant child and family incident and information reports
* Daily lesson plans	* Special Services/Disabilities information
* Developmental screening score sheets	* Health Services information (including screenings/exam results and follow-up)
* Developmental checklists	* Personal information on the family
* Progress reports	* Home visit reports
* Case notes	* Family Needs Assessment
* Specific information that the family has requested to be kept confidential	* Family Partnership Plans

Permission must be granted from the family to release confidential information to other agencies or service providers. You must have parental consent to release anything. When the information was given to Nay Ah Shing Services, it was understood that it was for Nay Ah Shing purposes and was given with that expectation of confidentiality. Always err in favor of the child and family in matter of confidentiality. Therefore, when records or information go outside of the Nay Ah Shing, the parents must be informed of the following:

- ❖ What records/information is being given/forwarded;
- ❖ To whom the records/information is going;
- ❖ For what purpose the information will be used;
- ❖ How long the “release of information” will be valid

The parents should have reasonable access to any records concerning them. When parents volunteer in the program, they should not have access to any file other than their own child.

In certain instances, information may be disclosed without parental consent, such as:

- ❖ When there is a bona fide medical emergency, and then information may be given only to medical personnel;
- ❖ When scientific research, statistical or demographic studies, management or financial audits, and program evaluations are being conducted, information may be released to qualified/identified personnel. Such personnel may not identify, directly or indirectly, any individual child or family member in any report or otherwise disclose individual identities in any manner;
- ❖ When authorized by court order (signed by a judge); Note: a person served with a subpoena for disclosures that would be prohibited in the absence of a court order must refuse to release such information;
- ❖ When communications of information do not constitute disclosure, information may be released, as follows:
 - A. **Communications that do not identify the child/family in any manner (example: reporting of communicable diseases);**
 - B. **Communications within a program that are between or among personnel having a need for such information in connection with their duties;**
 - C. **Communications between a program and a qualified service organization. A “service organization” is a person or organization that provides services to a program such as computer training, data processing, accounting, legal services, etc. Such an organization must agree in writing to be bound by the Nay Ah Shing Schools Program confidentiality regulations;**
- ❖ When reporting suspected abuse and /or neglect.

MAINTAINING STRICT CONFIDENTIALITY REQUIRES A STRONG COMMITMENT!

Be aware of where your conversations are taking place both within and outside of the facility. It is important to NOT share confidential information in inappropriate situations or ways, such as:

- ❖ Discussions with family and friends, or anyone outside of the facility;
- ❖ Informal conversations with co-workers within the listening range of others (maintenance and repair people, other-agency personnel, etc.);
- ❖ Mentioning names of families or children at social events or training sessions;
- ❖ Off-hand remarks made about a child or family in a restaurant or other public place (you never know who is listening);
- ❖ Talking in front of parents or visitors;
- ❖ Discussions of a child or family within the listening range of other children (remember how smart and intuitive our kids are);
- ❖ Leaving reports, individual goals, medical/dental records, developmental screening score sheets, special needs paperwork, or any other confidential paperwork on desks, tables, counters, or other areas where volunteers, visitors, or other parents have access;
- ❖ Leaving sensitive information on answering machines;
- ❖ Writing confidential information on the outside of a folder;
- ❖ Throwing away copies without tearing or shredding.

When documenting information in the child's/family's records, keep the following in mind:

- ❖ Record information that is factual and only essential to the purpose of the Nay Ah Shing Schools Program.
- ❖ Do not include intimate, specific details, unless it is necessary for mandatory reporting of suspected abuse and/or neglect;
- ❖ Do not include false or malicious gossip; stay with known and observable facts;
- ❖ Remember that families have access to their records – do not include judgmental observations or information that is unnecessary and would hurt the family.

XV. COMPUTER AND E-MAIL USAGE

Computers, computer files, the e-mail system, and software furnished to employees are Mille Lacs Band property intended for business use. Employees should not use a password, access a file or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.

The Nay Ah Shing School strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the School prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others or harmful to morale.

The Nay Ah Shing School sexual harassment policy applies to email and computer usage. For example, the display or transmission of sexually explicit images, messages and cartoons is strictly prohibited. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, distasteful jokes or anything that could be construed as offensive, harassing, or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations or other non-business matters.

Mille Lacs Band purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Mille Lacs Band does not have the right to reproduce such software for use on more than one computer. Mille Lacs Band prohibits the duplication of software and its related documentation. The installation of software on the computers and laptops owned by the Mille Lacs Band is also prohibited.

Employees should notify their immediate supervisor or Administration of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

XVI. Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by the Nay Ah Shing School to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, limited personal use may be permitted with prior authorization.

All Internet data that is composed, transmitted or received via our computer communications systems is considered to be part of the official records of the Nay Ah Shing School and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, lawful, and in the best interests of the School and the Mille Lacs Band.

The equipment, services and technology provided to access the Internet remain at all times the property of the Nay Ah Shing School. As such, Nay Ah Shing School reserves the right to monitor Internet traffic and retrieve and read any data composed, sent or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating or disruptive to any employee or other person. Examples of unacceptable content may include, but is not limited to, sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by Nay Ah Shing School in violation of law or these policies will result in disciplinary action, up to and including termination of employment.

XVII. SOCIAL MEDIA

Purpose:

- To provide staff with guidelines for participation in social media websites.
- To help employees become more aware of how their participation in social media could affect Nay Ah Shing Schools.
- To ensure appropriate boundaries in social media are used based on position or purpose.

The use of social media and technology has grown faster than policies and procedures can keep pace. Online social networking sites such as Facebook, MySpace, Twitter, Linked In, and others are being used on a regular basis as a form of communication. Other technology includes cell phone use and texting. While there are many benefits associated with technology, there are also many risks that may compromise the privacy of our clients (families). Posting pictures, or information related to what happens at the worksite or NASS events will be regarded as a violation of confidentiality and may result in disciplinary action.

The child's right to privacy takes precedence over any other relationship. The confidentiality agreement you signed is not in effect only during working hours, it applies without regard to time, circumstance or prior relationship.

1. Remember you are personally responsible for the content you publish on-line, whether in a blog, social media site, or any other form of user generated media and that your intent will not matter.
2. Be mindful that what you publish will be public for a long time. Protect your privacy and take care to understand a site's term of service.
3. Consider the content carefully and be judicious in disclosing personal details.
4. Don't publish anything that might allow inferences to be drawn which could embarrass or damage the reputation of Nay Ah Shing Schools.
5. Be careful when responding to comments another parent, staff, or colleague makes on the social media site. Anything you say can and may be used against you. It is best not to respond at all.
6. Be aware of your association with Nay Ah Shing Schools in online social networks. If you identify yourself as NASS staff, ensure your profile and related content is consistent with how you wish to present yourself.
7. For professional and personal websites, like LinkedIn, you should not provide professional references about any current or former employee, vendor, or supervisor.
8. Managers and those in supervisory positions are free to "friend" each other on social networking sites. The recommendation is to NOT do it. It can quickly blur professional boundaries.

XVIII. Travel

A. Travel Authorization.

Travel requests must be submitted to and approved by the immediate supervisor. Travel advances for off-reservation travel are generally given when travel requests are approved. Travel advances and reimbursements must cover approved travel dates and destinations. For overnight travel and for travel by air, ticket stubs and hotel receipts must be turned in to the accounting office within five days upon return. All out-of-state travel must be pre-approved by the Commissioner of Education.

B. Transportation Request Forms.

Transportation request forms are required to be signed by a supervisor or the transportation coordinator. These forms are at the front desk of each school, and along with the form, a key card will also need to be signed out. This will allow access to the gate and to cold storage at the bus garage. Transportation Request forms need to be filled out 7 to 10 days in advance. Emergency requests will be accepted with administrative approval.

When using a vehicle:

- fill out the transportation form (inside the vehicle, including mileage)
- fuel up below half tank (sign for fuel with plate number and name)
- report the condition of vehicle (pre and post trip)
- clean up garbage
- no smoking and/or chewing tobacco, alcohol
- no cell phone use while driving

C. Mode of Travel.

School employees must use the mode of travel and route most efficient and economical to the school. To include: 14 passenger bus, 10 passenger van, suburban, and/or school car.

Employees are prohibited from taking Nay Ah Shing School vehicles home, unless, prior approval from Nay Ah Shing administration.

D. Mileage and Per Diem Advances and Reimbursements.

Allowable travel reimbursements for the use of a private vehicle will be made only if all the Education vehicles are in use. Employees using their own vehicles for work-related travel are required to have a valid driver's license and provide proof of adequate liability insurance as prescribed by state law. Drivers must also be listed on the Mille Lacs Band reservation insurance policy.

Monthly mileage reimbursements to all employees required to travel in the course of their work will be approved and submitted to OMB by the first Friday of the month.

XIX. Other Policies

A. Nepotism

No individual shall have direct supervisory authority over any member of his/her immediate family. Immediate Family is defined, for purpose of these personnel policies, to include spouse, parents, brothers, sisters, sons, daughters, and grandparents.

B. Privileged Information

No Nay Ah Shing school employee may use or release confidential information for his/her personal, financial or political gain or for such gains for others. Information regarding student records and transcripts will only be accessed with written parental consent.

C. Political Activity

All school employees are encouraged to exercise their right as citizens, by participating in tribal, local, state or national elections and public activities to the extent permitted by law. However,

1. Use their authority or influence for the purpose of interfering with an election or nomination or affecting the results thereof;
2. Directly or indirectly coerce, command, or advise subordinates to pay, lend money or contribute money or anything else of value for political purposes to any party, committee, organization, agency or person;
3. Engage in any political activity during scheduled working hours or while on duty, or neglect their assigned duties or responsibilities;
4. Actively participate in a political protest during work hours. Such action will be subject to discipline.

D. Participation in Community Affairs

It is the policy of the Nay Ah Shing School to encourage employees to participate, when appropriate, in community service affairs of a charitable, religious, fraternal, or civic nature. However, employee participation in such community activities must not adversely affect the employee's job performance, be detrimental to the interests of the Nay Ah Shing School or the Mille Lacs Band, or place the employee in the position of serving conflicting interests. Employees are limited to 40 hours per year with pay for participation in community affairs. Annual or personal leave is to be used for any additional hours over 40 hours. Such participation during work hours must be pre-approved by the supervisor.

E. Reservation Documents

All documents relating to activity of the Mille Lacs Band of Ojibwe and the Nay Ah Shing School are the property of the Mille Lacs Band of Ojibwe and the Nay Ah Shing School. Use or release of such information by any employee without the School Board approval may result in prosecution of that employee.

F. Inclement Weather

The decision will be made by the Commissioner of Education and the Transportation Coordinator or delegated authority (Principal) when weather conditions preclude employees from coming to work safely. Generally, announcements are made on local radio and television stations when those occur. On some occasions, school will start late due to weather. An employee is encouraged to try to be on time but will not lose pay if they are late because of weather or road conditions. Staff will need to take annual leave for absences unless the Government Center is closed.

G. Smoke Free Policy

All cigarette smoking on the Nay Ah Shing school campus will be prohibited with the exception of smoking for ceremonial purposes. Staffs who do smoke need to do so off school grounds and out of sight from the school buildings. The school and grounds are designated smoke-free. Non-compliance with this policy will result in disciplinary action.

H. Other Compensation

An employee may not receive compensation from other sources for work hours paid by Nay Ah Shing School. It is permissible for an employee to receive a gift or some other token of appreciation of nominal value. Any other compensation earned during work time must be reported to the individual's supervisor, who will also inform the Superintendent. If employees have questions about any gift received, they should immediately address it with their supervisors.

I. Release from Duties.

Release from duties bears no relationship to the employee's performance. A release from duties may occur if the work is seasonal or if a program ends or reduces staff because of a lack of funding or a reduction of student enrollment. Depending upon the circumstances, a reduced salary or a combination position may be offered to the employee.

No employee has any right of continued employment in the event that a contract program or position under which he/she is funded terminates or is not renewed or is reduced in funding. It is the employee's responsibility to maintain licensure required to maintain a currently assigned position and to submit documentation of that licensure to their supervisor for inclusion in their personnel file.

XX. Appendix

1. Background Process
2. Band Holidays
3. Progressive Discipline
4. MLB Drug Testing Policy
5. Title IX
6. Grievance Procedure
7. Transportation Request

XX. EMPLOYEE ACKNOWLEDGEMENT FORM

The personnel policies describe important information about the Nay Ah Shing School. I represent by signing this form that I received a copy of the Nay Ah Shing School Personnel Policies and further understand that copies of the personnel policies are available at the office in each building. I understand that it is my responsibility to read and comply with the policies contained herein and any revisions made to them.

I understand that I should consult the Principal or the School Administration regarding any questions not answered in the handbook. I acknowledge that revisions to the handbook may occur and that revisions may supersede, modify or eliminate existing policies.

I have entered into my employment relationship with the Nay Ah Shing School voluntarily and acknowledge that I have not been guaranteed or promised a specified length of employment. I acknowledge that this handbook is not a contract of employment.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____