

# **PERSONNEL POLICY AND PROCEDURES**

Yankton Sioux Housing Authority

Revised and approved by the Board of Commissioners  
On August 1, 2022

Serving the Ihanktonwan Oyate



Yankton Sioux Housing Authority  
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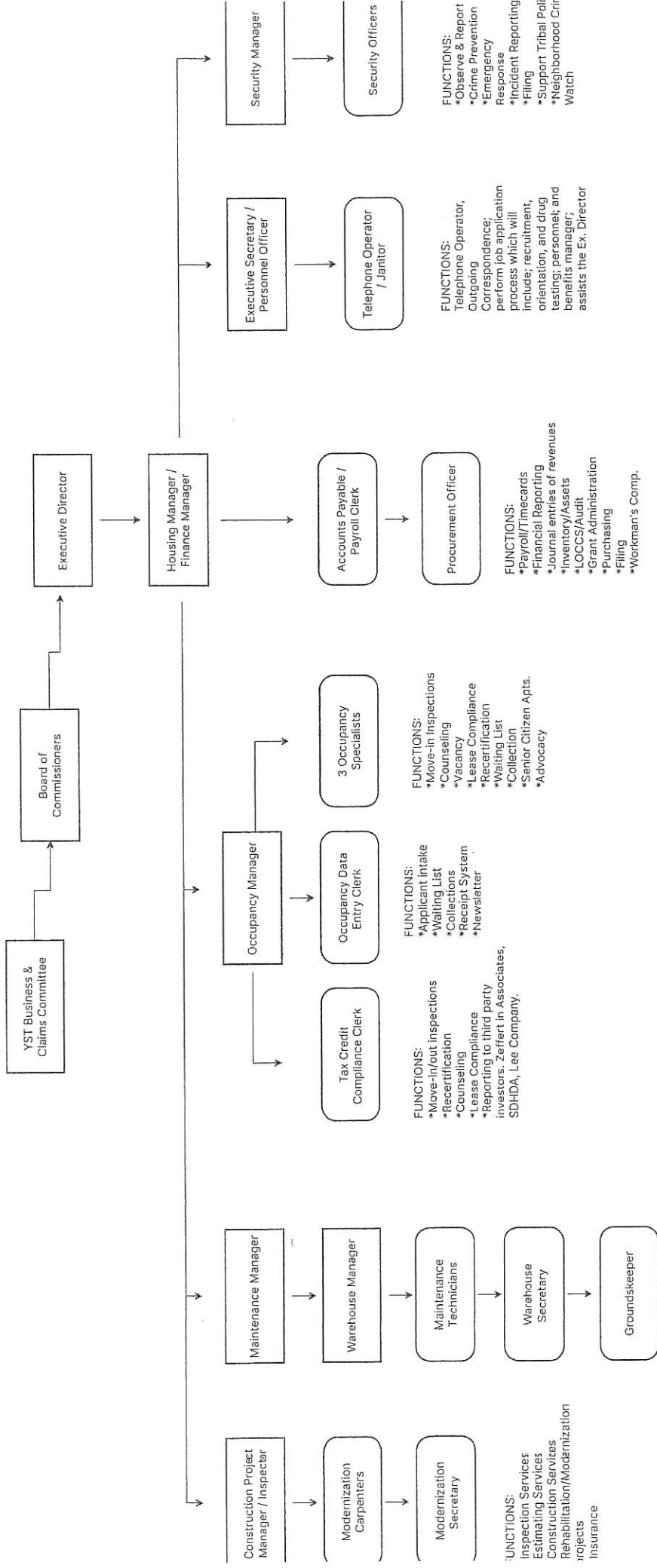
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**FUNCTIONS:**  
 \*Routine Maintenance  
 \*Prioritize non-routine v. emergencies  
 \*Prevention  
 \*Work Order Requests  
 \*Record Keeping  
 \*Counseling  
 \*Upkeep YSHA properties  
 \*Landscaping  
 \*Snow Removal  
 \*Janitorial duties

**FUNCTIONS:**  
 \*Observe & Report  
 \*Crime Prevention  
 \*Emergency Response  
 \*Incident Reporting  
 \*Filing  
 \*Support Tribal Police  
 \*Neighborhood Crime Watch

**FUNCTIONS:**  
 \*Payroll/Timecards  
 \*Financial Reporting  
 \*Journal entries of revenues  
 \*Inventory/Assets  
 \*LOCCS/Audit  
 \*Grant Administration  
 \*Purchasing  
 \*Filing  
 \*Workman's Comp.

**FUNCTIONS:**  
 \*Move-in inspections  
 \*Counseling  
 \*Vacancy  
 \*Lease Compliance  
 \*Recertification  
 \*Waiting List  
 \*Collection  
 \*Senior Citizen Apts.  
 \*Advocacy

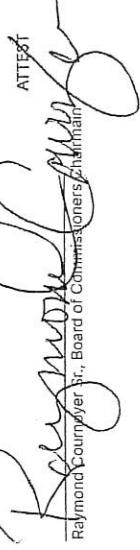
**FUNCTIONS:**  
 \*Applicant intake  
 \*Waiting List  
 \*Collections  
 \*Receipt System  
 \*Newsletter

**FUNCTIONS:**  
 \*Move-in/out inspections  
 \*Recertification  
 \*Counseling  
 \*Lease Compliance  
 \*Reporting to third party investors, Zeffert in Associates, SDHDA, Lee Company.

**FUNCTIONS:**  
 \*Inspection Services  
 \*Estimating Services  
 \*Construction Services  
 \*Rehabilitation/Modernization projects  
 \*Insurance

**CERTIFICATION**

The above and foregoing resolution as presented to the YSHA Board of Commissioners at a meeting held on December 9th, 2022 and was approved by a motion by Sasheen Thin Elk and Second by Jerry Zepher 3 in favor, 0 opposed, 0 absent and 1 abstaining. Motion Carried.

ATTEST  
  
 Raymond Courmyer, Jr., Board of Commissioners Chairman

  
 Sasheen Stone, Board of Commissioners Secretary



YANKTON SIOUX TRIBE HOUSING AUTHORITY

BOARD OF COMMISSIONERS  
RESOLUTION NO. 2022- 03

**WHEREAS:** The Yankton Sioux Tribe is an unincorporated tribe of Indians that is not subject to the Indian Reorganization Act of 1934; and

**WHEREAS:** The Yankton Sioux Tribe is an unincorporated tribe of Indians operating under an amended Constitution and By-Laws approved April 24, 1963, and June 16, 1975, and March 23, 1990; and

**WHEREAS:** The Yankton Sioux Tribe's Housing Authority has realized that housing is a need and critical issue for the Yankton Sioux Tribal members; and

**WHEREAS:** The Yankton Sioux Tribe, in its effort to respond to said needs, has created the Yankton Sioux Housing Authority through Tribal Ordinance and Federal Regulations of the Department of Housing and Urban Development to respond, resolve, and administer the Housing needs of the Tribe; and

**WHEREAS:** There exists a current need to revise the current Yankton Sioux Housing Authority (YSHA) Personnel Policy and Procedures and the Occupancy and Admissions Policy to reflect the current practices; and

**WHEREAS:** The YSHA Personnel Policy and Procedures and the Occupancy and Admissions Policy has been revised to reflect the current practices; and

**NOW THEREFORE BE IT RESOLVED;** the Yankton Sioux Housing Authority Board of Commissioners hereby adopts the revised YSHA Personnel Policy and Procedures and the Occupancy and Admissions Policy as presented.

**BE IT FURTHER RESOLVED,** that the Executive Director is authorized and directed to implement this resolution.

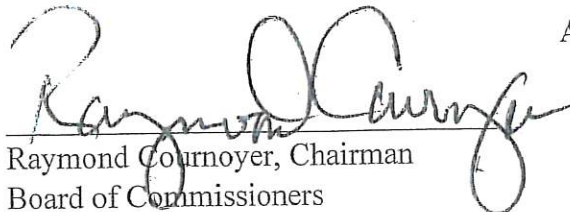
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**CERTIFICATION**

**THIS IS TO CERTIFY AND AFFIRM**, the above and foregoing resolution was duly authorized and passed by the Yankton Sioux Tribe's Housing Authority Board of Commissioners on the 25 th day, of October, 2022, at a meeting held at Housing Authority Tribal Headquarters, Wagner, South Dakota, on the Yankton Sioux Reservation. Motion made by Jodi Zepher and second by Sasheen Stone . By a vote of 3 in favor, 0 opposed, 1 abstained, 0 not voting, 1 absent, motion carried.

  
Raymond Cournoyer, Chairman  
Board of Commissioners  
Yankton Sioux Tribe Housing Authority

**ATTEST**

  
Sasheen Stone, Secretary  
Board of Commissioners  
Yankton Sioux Tribe Housing Authority



## **ROLE AND RESPONSIBILITIES**

### **1. Background and History**

In order to address the critical shortage of housing for the members of the Yankton Sioux Tribe, the Yankton Sioux Tribal Housing Authority was organized pursuant to Yankton Sioux Tribe Executive Committee Ordinance adopted in 1961. The Authority, as a subdivision of the Yankton Sioux Tribal Government (Resolution 97-21 on April 10, 1997), exists as a legal nonprofit entity empowered to issue bonds, provide financing, and enter into contracts with the federal government and private groups for the purpose of planning, developing and implementing comprehensive housing assistance plans.

#### **1.1 Mission**

It shall be the mission of the Yankton Sioux Tribal Housing Authority to create opportunities to meet the housing needs of enrolled members of the Yankton Sioux Tribe by:

- Maximizing the utilization of available resources to ensure services are provided in an efficient, professional, economical and timely manner;
- Forming and enhancing partnerships between the Yankton Sioux Tribal Housing Authority and tribal, state, local and private entities; and
- Promoting self-sufficiency and improving the quality of life.

#### **1.2 Governing Body (Board of Commissioners)**

The Yankton Sioux Tribal Housing Authority (YSHA) operates under the direction of the Board of Commissioners, appointed by the YST Business and Claims Committee. The Board of Commissioners is responsible for establishing housing related policies and plans which will effectively carry out the statutory, regulatory, and contractual obligations associated with the housing finance, development and management.

#### **1.3 Executive Director Responsibility**

The Executive Director, hired by the Board, is Responsible for administration of YSHA's day-to-day business, planning, and development, and the formulation and implementation of procedures designed to carry out Board established policies.

#### **1.4 Personnel Manual**



Employment with the YSHA is at-will. Either the YSHA or the employee may terminate the relationship at any time, for any reason, with or without notice.

Neither the YSHA policies, practices or this manual are intended to confer any contractual right or alter the at-will employment relationship. This manual is not intended to be comprehensive or to address all possible applications of, or exceptions to, the general policies described herein.

#### **1.4.1 Definition**

Employees covered by/or referenced in this manual have been divided into several categories as follows:

Yankton Sioux Housing Authority Board of Commissioners- Five (5) members of the Yankton Sioux Tribe (YST) selected to help manager the business affairs of the Yankton Sioux Housing Authority. The Board of Commissioners is responsible for employing an Executive Director pursuant to the Yankton Sioux Ordinances as follows:

To employ an Executive Director, technical and maintenance personnel and such Other officers and employees, permanent or temporary, as the Housing Administration May require; and to delegate to such officers and employees such powers and/or duties as the Board shall deem proper.

Executive Director – The YSHA employee authorized to oversee the day-to-day operations and administration and has supervisory authority over all employees of the YSHA.

Department Managers- Employees who supervise and/or have department and program responsibility and decision-making authority.

Permanent Full-Time- Those employees hired into a permanent full-time position working a consistent schedule of 40 hours per week, and are eligible for benefits.

Temporary Full-Time -Those employees hired to work a standard number of 40 hours per week, and who maintain continuous temporary full-time employee status, are not eligible for benefits.

Temporary Part-Time – Those employees hired to work a standard number of 40 hours per week, and who maintain continuous temporary full-time employee status, are not eligible for benefits.

Temporary – Seasonal employees may be hired for a period of up to six months, are not eligible for benefits.

#### **1.4.2 Modification**

The policies, procedures, practices and benefits described herein may be modified or discontinued from time to time. The Personnel Officer will notify employees of changes as they occur. The Board of Commissioners reserves the rights to modify, revoke, suspend, or terminate any or all such plans or policies in whole or in part, at any time.

#### 1.4.3 Acknowledgment by Employees

Each employee of the YSHA shall be provided with a copy of the Personnel Policy Manual and will be requested to sign with the acknowledgment of receiving a copy.

### 1.5 Indian Preference

It is the policy and intent of the YSHA, to the extent of consistent with funding source regulations and the best interest of the YSHA, to provide preference in recruitment, employment, promotions and training opportunities in the following manner:

- First Preference shall be accorded to enrolled members of the Yankton Sioux Tribe who **fully meet the job qualifications for the position and in accordance with Section Requirements.**
- Second Preference shall be accorded to enrolled members of a federally recognized tribe who **fully meet the job qualifications for the position and in accordance with Section Requirements.**
- Third Preference shall be accorded to all other individuals **who fully meet the job qualifications for the position.**

### 1.6 Recruitment

In all the instances above, preference may be denied due to past performance issues/behaviors, comments by references, past poor performance evaluations, and/or a previous felony associated with dishonesty within the past five (5) years.

### 1.7 Standards of Conducts

Whenever people gather to achieve goals, some rules of conduct are needed to help everyone work together efficiently, effectively, and harmoniously. Some people have problems with “rules” and “authority figures” and past experience may have justified these thoughts and feelings; however at “YSHA” we hold ourselves to a high standard of quality where the rules and authority figures simply assure that quality is maintained.

By accepting employment here with us, you have a responsibility to “YSHA” and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then our organization will be a better place to work for everyone.

### **1.8 Unacceptable Activities**

We expect each person to act in a mature and responsible way at all times. However, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. Your avoidance of these activities will be to your benefit as well as the benefit of “YSHA”. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed, please see your supervisor for explanation.

Occurrences of any of the following violations, because of their seriousness, may result in immediate dismissal without warning:

- Employees or Board Members of “YSHA” who willfully engage in any political activity of the Tribe which could damage rapport between the governing body, the Tribal Members and/or the Housing Authority.
- Willful violation of any company rule; any deliberate actions that are extreme in nature and are obviously detrimental to “YSHA’s” efforts to operate effectively.
- Willful violation of security or safety rules or failure to observe safety rules or “YSHA” safety practices; failure to wear required safety equipment; tampering with “YSHA” equipment or safety equipment.
- Negligence or any careless action which endangers the life or safety of another person.
- Being intoxicated or under the influence of controlled substance drugs while at work; use of possession or sale of controlled substance drugs in any quantity while on Housing Authority premises except medications prescribed by a physician which does not impair work performance.
- Unauthorized possession of dangerous or illegal firearms, weapons or explosives on Housing Authority property or while on duty.
- Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on Housing Authority premises or when representing “YSHA” fighting, or horseplay or provoking a fight on Housing Authority property, or negligent damage of property.
- Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to your work; refusal to help on a special assignment.
- Threatening, intimidating or coercing fellow employees on or off the premises-at any time, for any purpose.
- Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of Housing Authority property, or the property of fellow employees, residents, vendors, or visitors in any manner.

- Theft of Housing Authority property or the property of fellow employees; unauthorized possession or removal of any Housing Authority property including documents, from the premises without prior approval from management; unauthorized use of Housing Authority, equipment or property for personal reasons; using Housing Authority equipment for profit.
- Dishonesty; willful falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by “YSHA” employees; working for a competing business while a “YSHA” employee; breach of confidentiality of personnel information.
- Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging other to do the same.
- Immoral conduct or indecency on Housing Authority property.

Occurrences of any of the following activities, as well as violations of any “YSHA” rules or policies, may be subject to disciplinary action, including possible immediate dismissal. This list is not all-inclusive.

- Unsatisfactory or careless work; failure to meet production or quality standards as explained to you by your supervisor; mistakes due to carelessness or failure to get necessary instructions.
- Any act of harassment, sexual, racial or other; telling sexist or racial-type jokes; making racial or ethnic slurs.
- Leaving work before the end of the workday or not being ready to work at the start of the workday without approval of your supervisor; stopping work before time specified for such purposes.
- Sleeping on the job; loitering or loafing during work hours.
- Excessive use of Housing Authority telephone for personal use.
- Smoking in restricted areas or at non-designated times, as specified by your Supervisor/Manager.
- Creating or contributing to unsanitary conditions.
- Posting, removing or altering notices on any bulletin board on Housing Authority property without permission of the Executive Director or the Board of Commissioners of “YSHA”
- Failure to report an absence or late arrival; excessive absence or lateness.
- Obscene or abusive language toward any supervisor, employee or resident; indifference or rudeness towards a resident or fellow employee; any disorderly/antagonistic conduct on Housing Authority premises.
- Speeding or careless driving of any Housing Authority vehicles.
- Failure to immediately report damage to, or an accident involving Housing Authority equipment.
- Soliciting during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a



time or place that interferes with the work of another employee on Housing Authority premises.

- Failure to maintain a neat and clean appearance in terms of the standards established by your supervisor; any department from accepted conventional modes of dress or personal grooming; wearing improper or unsafe clothing.
- Failure to use your timecard; alteration of your own timecard or records or attendance documents; punching or altering another employee's timecard or records, or causing someone to alter your timecard or records.

### **1.8.1 Disciplinary Actions**

Unacceptable behavior which does not lead to immediate dismissal may be dealt with in the following manner:

Verbal Warning  
Written Warning  
Dismissal

Write ups are to be written by the appropriate manager then submitted to Personnel for a retention of records. Written warnings will include the reason for the supervisor's dissatisfaction and any supporting evidence. You will have an opportunity to defend your actions and rebut the opinion of your supervisor at the time the warning is issued. Disciplinary actions may also include suspensions or other measures deemed appropriate to the circumstances.

All pertinent facts will be carefully reviewed, and the employee will be given a full opportunity to explain his or her conduct before any decision is reached.

### **1.8.2 Disciplinary Action other than Dismissal**

Disciplinary actions for conduct not requiring immediate dismissal may take one of the following forms: oral warning, written reprimand, suspension without pay, demotion, and dismissal.

### **1.8.3 Ground for Immediate Dismissal**

An employee may be subject to immediate dismissal from employment for the following conduct:

- A. Conviction of, indictment for, or commission of crime; or
- B. Habitual or excessive use of intoxicants or drugs; or
- C. Image, misuse or loss of equipment, property or supplies of the "YSHA" or
- D. Neglect or dereliction of duties; or

- E. Failure to comply with written or verbal orders or directive (insubordination); or
- F. Careless or negligent handling, or theft of monies of the “YSHA”; or
- G. Falsification of record, reports or other “YSHA” business documents; or
- H. Offensive or abusive behavior towards the public, employees or persons conducting with the “YSHA” or
- I. Removal, altering, forging, copying or tampering with “YSHA” record, files, or documents without proper authority; or
- J. Absence from work without authorization, or, excessive tardiness, or abuse of the leave policy.

#### **1.8.4 Grounds for Disciplinary Action other than Immediate Dismissal**

An employee may be subject to disciplinary action other than immediate dismissal for conduct which is minor in nature but unacceptable if repeated or excessive, including the following:

- A. General incompetency or inefficiency; or
- B. Inattentiveness to work or failure to start work on time or leaving the work area during working hours without permission; or
- C. Failure to meet or maintain minimum job performance requirements; or
- D. Untruthfulness or failure to report accurately all facts pertaining to matters of concern to “YSHA”; or
- E. Any act or omission violating a regulation, policy or procedure of the “YSHA”

### **1.9 Separation of Employment**

All employment and compensation with the “YSHA” shall be terminated pursuant to the following except as otherwise provided by law.

#### **1.9.1 Dismissal**

- A. Employees serving the “Introductory Period” may be dismissed without cause and are not eligible to use the “Employee Grievance Policy” as method to retain employment with the Yankton Sioux Housing Authority.
- B. Employees other than the Executive Director may be dismissed for cause by the Employees other than the Executive Director. The Executive Director may be dismissed for cause by the Board of Commissioners. A written statement of reasons will be provided to the employee if the employee is not serving the “introductory period”.
- C. Whenever the Executive Director determines that employee misconduct warrants immediate dismissal, the employee may be immediately suspended without pay while

an investigation is conducted to substantiate and document the action for immediate dismissal.

- D. The employee will be informed of the right to appeal the dismissal in accordance with the Grievance Procedure outlined in the employee "Grievance Policy"

### **1.9.2 Resignation**

- A. An employee may resign from employment by giving at least ten (10) working days' notice. A shorter period of time may be authorized if the Executive Director (or Board of Commissioners, if the resigning employee is the Executive Director) approved and minimal interruption will occur by the shorter period of time. Failure to comply with the notice requirement will result in loss of annual leave earned.
- B. An employee who has resigned will be expected to continue to perform his/her duties and should provide a summary of projects/items being worked on to facilitate proper assignment and coverage upon the exit of the employee.

### **1.9.3 Retirement**

- A. An employee may retire upon reaching the specified age established "YSHA" unless approval is given to continue the employment. Requests for retirement will be submitted at least six (6) months prior to the retirement date.
- B. An employee may retire upon reaching the specified age established "YSHA" unless approval is given to continue the employment. Requests for retirement will be submitted at least six (6) months prior to the retirement date.

### **1.9.4 Death**

An employee will be officially separated from employment upon the date of death. Any payments due the employee will be paid to the decedent's representative or designated beneficiary.



## **2. PERSONNEL ADMINISTRATION**

### **2.1 Proof of Citizenship**

As a condition of employment, all applicants must complete and sign Federal Form I-9, provide two forms of Identification, Employment Eligibility Verification Form: and all applicants who are hired need to present documents of identity and eligibility to work in the U.S.

### **2.2 Personnel Action**

Personnel Action Forms (PAF) must be completed to authorize new hires and any change in an employee's status such as pay, source of funds, address, name before the hiring or the change can be effected. PAF's are initiated at the Personnel Officer level and are to be submitted to the Executive Director for final authorization before distribution. No timesheets will be processed by the Finance Office without a completely executed PAF.

### **2.3 Personnel Records**

A central file system for each employee will be maintained in the Personnel Office department containing materials, correspondence and records pertaining to the YSHA personnel regarding their employment.

### **2.4 Retention of Records**

Personnel records will be maintained in a secure or locked area throughout and after an employee's tenure at the YSHA. The minimum period for retention of personnel records is three (3) years from the date of termination of employment or from the date of resolution of any dispute.

### **2.5 Confidentiality**

All personnel information will be kept confidential. Access must be authorized by the Executive Director on a need to know basis.

### **2.6 Contents of Personnel Files**

Generally, the following items may be collected for employees' personnel files:

- Job description for the position
- Job application and/or resume
- Offer letter

- Employment references
- IRS Form W-4 (the Employee's Withholding Allowance Certificate)
- Receipt or signed acknowledgment of employee handbook
- Performance evaluations
- Forms relating to employee benefits
- Forms providing next of kin and emergency contacts
- Complaints from customers and/or coworkers
- Awards or citations for excellent performance
- Records of attendance or completion of training programs
- Warnings and/or other disciplinary actions
- Notes on attendance or tardiness
  - Any contract, written agreement, receipt, or acknowledgment between the employee and the employer (such as an employment contract, or an agreement relating to a YSHA-provided car, etc.), and documents relating to an employee's separation from the YSHA (such as reasons why they left or were terminated, unemployment documents, insurance continuation forms, and so on).
  - **Confidentiality Statement**

## 2.7 Changes in Employee Information

Because changes in status may affect eligibility for benefits, amount paid for benefits, etc., the employee is responsible for providing written notification to Human Resources of changes to any of the following:

- Legal name
- Home address
- Home telephone number
- Person to call in case of emergency
- Number of dependents
- Marital status
- Change of beneficiary
- Driving record or status of driver's license, if you operate any vehicle
- Military or draft status
- Exemptions on your w-4 tax form
- Training certificates
- Professional license

## 2.8 Requests for Information



Files cannot be removed from the office of the Personnel Officer, but a one-time free copy may be provided at the employee's request. Each employee requesting is subject to sign a release of information for the file.

### **3. CUSTOMER RELATIONS**

#### **3.1 Purpose**

All employees deal with our customers! No matter what your position, every employee impacts the customer in some way. Employees are reminded to promote the YSHA just as they would represent their families. This means being friendly and courteous on the business property, while visiting our tenants, driving our vehicles on roads and highways and in daily interactions.

Other ways employees can enhance customer relationships are to answer phones with courtesy and professionalism and transfer office calls correctly, greet walk-in customers or just smile and say hello. Treating others as you expect to be treated goes a long way in customer service relationship.

### **4. EMPLOYMENT AND EVALUATION**

#### **4.1 Job Related Background Checks**

Upon an employee's acceptance of an employment offer, the YSHA may, at its discretion, conduct a background check. Job related background verification may consist of prior employment verifications, professional licensure, personal or professional references, certification of education or other certifications.

As appropriate, other background checks may also be conducted. Your employment offer may be subject to the satisfactory findings of one or more completed background checks.

#### **4.2 Criminal Background Check**

The YSHA may conduct a criminal background check upon hire or for cause to identify candidates or current employees who possess a history of violent or adverse criminal behavior. Such behavior, when identified, will limit the YSHA's risk in hiring those individuals who may cause harm to themselves, YSHA co-workers or our customers. In addition, some federal contracts require that no person convicted of a felony or misdemeanors may be employed on the project. In this case, the Executive Director will make appropriate decisions in regards to an employee being laid off or terminated for failure to disclose. In the event that an applicant does not pass a background check, they may be entitled to a second opinion at the discretion of the Executive Director."

#### **4.3 Drug Testing**

The YSHA shall have the right to require an employee to submit to testing for drug and/or alcohol use as a continuing condition of employment as the YSHA deems necessary to the safe and efficient operation of YSHA operations. Only during the initial hiring drug testing will the observation for THC not be taken into consideration. (Refer to YSHA BOC's minutes August 1<sup>st</sup>, 2022.)

#### **4.4 Refusal to Drug Test**

An employee who refuses to submit to drug and/or alcohol testing or who tests positive may be suspended from duty pending further investigation and may be subject to disciplinary action, up to and including immediate termination.

#### **4.5 Establishment of New Positions**

##### **4.5.1 Authority**

The Executive Director approves the establishment of all new positions. All new positions require the following to initiate the process:

- Job Description
- Justification for the new position
- Funding resources available
- Duration of work

##### **4.5.2 Job Description**

A job description will be prepared for the position if one does not currently exist. If a job description does exist, it will be reviewed and updated as appropriate. The updated job description or new job description will be reviewed and approved by the Executive Director. The job description will contain the following to the greatest extent feasible:

- Position Title
- Title of Immediate Manager
- Titles of positions supervised
- Compensation range

- Summary of job duties and responsibilities
- Minimum qualifications required in order to be considered in respect to experience, knowledge, skills, abilities, education, resumes, references, etc.
- Indian Preference

## 4.6 Application Process

### 4.6.1 Minimum Requirements

All applicants will submit, at a minimum, an application, resume, valid drivers license, and work references. Prior to the interview, a list of questions will be developed by the Manager to be asked of each applicant. A record of each applicant's response to each "standard" question will be maintained. Other questions may be asked as long as the questions do not possibly give the appearance of violating anti-discrimination laws.

## 4.7 Recruitment

### 4.7.1 Job Posting

Job openings will be posted by the Personnel Officer in the following locations:

- Local Newspaper
- YSHA office
- All Tribal offices and entities via fax

### 4.7.2 In-House, Transfers

All open positions will normally be advertised in-house for a minimum of five (5) days in the YSHA Job Announcement List. In-house candidates will be reviewed and considered prior to advertising outside. See Indian Preference.

## 4.8 Selection

**Full Faith and Effort.** To the greatest extent feasible, a minimum of three (3) applications, those which are best qualified, are required for competition for the advertised position. However, if after a thorough effort in advertising and screening and for circumstances beyond the YSHA's control, the

result produces less than three (3) finalists for the position, the YSHA can decide to re-advertise the position or select from the remaining finalists to make its decision for hire. A selection committee will be the Executive Director, Personnel Officer and that Manager of the position advertised.

#### **4.9 Employment of Relatives**

The employment of members of the same immediate family or members of the family who share the same residence will not be permitted to work in the same work location. (i.e., department, office area, etc.)

Hiring the family or employees is permitted, although the YSHA prohibits employees from working under the direct supervision of an immediate family member (father, mother, son, daughter, husband, wife, brother, sister, or another person who resides in the same household) or a family member (includes those living in the same residence and employee's siblings, spouse, child, parent(s), in-law(s), grandparent(s), grandchildren, step parents or children, and domestic partner(s). Also, an employee may not act in a supervisory role over a department where a family member works unless it is a different shift.

No person may hold a position in which a family member exercises supervisory authority or responsibility over him/her, or in which a family member is in a position to order or recommend personnel action which would affect him/her.

If issues from home or personal life become disruptive at work, the Executive Director retains the right to lay off or transfer one or both employees.

#### **4.10 Employment of Former Employees**

All rehired individuals (no matter how long the separation) will be treated as new employees and are subject to the ninety (90) day probationary period.

Former employees may or may not be required to interview when applying for the same position. Application for employment in an organizational unit other than the one the former employee left requires an interview.

##### **4.10.1 Reinstatement**

Former employees who left YSHA in good standing may be considered for re-employment. However, they are not given preferential consideration over other applicants.

Rehired employees are considered new employees from the day of re-employment and will be in a probationary status for a 90 day period. Sick leave and annual leave benefits will be calculated based on the rehire date.

#### **4.10.2 Employees Unacceptable for Reemployment**

Former employees who voluntarily resigned without adequate notice or who were involuntarily terminated will not be considered for re-employment for (6) six months from the date of termination.

#### **4.10.3 Discriminatory Questions**

Questions during the interview process regarding age, marital status; family status, etc. are not to be asked under any circumstances. Questions must be reviewed and approved by the Executive Director prior to the actual interview.

### **4.11 Probationary Employee's / Probationary Periods**

#### **4.11.1 Time Frame for New Hires**

The length of the probationary period will be 90 days from the date of hire, promotion, or transfer. Newly hired individuals will continue employment during the probationary period provided performance on the job is satisfactory. If the employee is not satisfactorily progressing during this period, then the Manager will counsel the employee. If unsatisfactory performance continues and no improvement is realized, the person's employment will be terminated prior to the end of the probationary period without following the progressive disciplinary process.

#### **4.11.2 Time Frame for In-House Transfers (probationary period)**

The length of a probationary period resulting from disciplinary action will be at the discretion of the Executive Director but may not exceed three (3) months.

#### **4.11.3 Extended Probationary Period**

The Manager may choose to extend the probationary period for an additional three (3) months, subject to approval by the Executive Director, if it is felt that the new employee has not progressed satisfactorily but may prove to be capable with additional training. If the probationary period is extended, the Manager should clearly communicate it in writing to the employee that it has been extended and why. Absence of a performance evaluation upon completion of probationary period does not imply automatic change to regular full-time status. Successful completion of the probationary period does not imply automatic change to regular



full-time status. Successful completion of the probationary period does not alter the at-will employment relationship.

#### **4.11.4 Disciplinary Action / Extended Probationary Period**

The length of a probationary period resulting from disciplinary action will be at the discretion of the Executive Director, but may not exceed three (3) months.

#### **4.11.5 Satisfactory Completion**

During any probationary period the Department Manager will observe the employee and make a judgement as to the employee's willingness and ability to perform the job duties satisfactorily and/or compatibility with YSHA's work environment and mission. This determination will be made in consultation with the Executive Director and reported by memo to the employee and copied to the employee's personnel file. When an employee successfully completes the non-disciplinary probationary period, the employee's status will be changed to "permanent" employment and all seniority rights will be retroactive to the date of employment.

When a disciplinary probationary period is satisfactorily completed, the Department Manager will initiate the Personnel Action Form (PAF) and notify the employee by written memo with copies to the Executive Director and the employee's personnel file.

#### **4.11.6 Unsatisfactory Completion**

An employee on new hire probationary status, regardless of type, may be terminated anytime during the probationary period without the right to appeal and without liability to YSHA. The decision to terminate will be made by the Executive Director.

#### **4.11.7 Leave Benefits (probationary period)**

##### **4.11.7.1 Sick Leave**

Sick leave may be taken during a probationary period for a new employee.

##### **4.11.7.2 Annual Leave**

Accrual of paid annual leave begins on the date of hire. However, annual leave may not be taken during the probationary period for new employees.

##### **4.11.7.3 Compensatory Time**

Compensatory time for overtime work may be earned and used during any probationary period. Must be used within two pay periods or will be forfeited.

#### **4.11.7.4 Holiday Leave**

Employees on probationary status are eligible to take paid holiday leave.

#### **4.11.7.5 Leave and Disciplinary Probation**

Employees on probationary status due to disciplinary action are eligible to use sick leave earned and annual leave earned. Annual leave will continue to accrue during probation resulting from disciplinary action.

#### **4.11.7.6 Leave and Probationary due to Transfer**

Employees on probationary status due to transfer are eligible to use sick leave and annual leave earned.

#### **4.11.7.7 Other Benefits**

##### **4.11.7.7.1 Insurance**

Health Insurance benefits are not available. Vision Care through VSP is available to full-time regularly employees on probationary status due to transfer or disciplinary action. This benefit is subject to the availability of funds.

##### **4.11.7.7.2 Travel**

Travel during the probationary period will be limited and must have prior approval of the Executive Director.

### **4.12 Promotions and Transfers**

The newly promoted or transferred employee's performance must be monitored very closely during the first three (3) months on the new job. If the employee is not satisfactorily progressing during this period, the Manager will counsel the employee. If this unsatisfactory performance continues and no improvement is realized, an effort will be made to transfer the employee to a more appropriate position based on employee qualifications and openings available at the time. If there is no position at the time that the individual qualifies for, then termination will occur. In the case of promotions/transfers where the YSHA has

already employed an individual for at least six (6) months, Annual Leave may be taken during this new probationary period subject to the approval of the Executive Director.

#### **4.12.1 Preference to Promote from Within**

YSHA prefers to promote from within and will do so from among current employees with the necessary qualifications and skills, unless outside recruitment is determined by the Executive Director to be in YSHA's best interest.

All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their manager.

#### **4.12.2 Eligibility**

An employee's basic eligibility for promotion will be determined by the requirements of the higher position. In addition, the employee demonstrated above average performance of duties in the current position that are similar to those required of the promotion.

#### **4.12.3 Scheduling**

Promotions can occur whenever a position becomes available or whenever a position upgrade is warranted. An increase may or may not accompany a promotion and may or may not affect the annually scheduled merit review.

### **4.13 Absences**

#### **4.13.1 Process**

If you cannot report to work as scheduled, you must provide notification by 8:15 a.m. as follows:

1. First the appropriate manager
2. If the manager is unavailable, notify the Personnel Officer
3. If the Personnel Officer is unavailable, notify the Executive Director

When the need for time off is due to an emergency notify your immediate manager.

You must submit documentation for absences due to illness of three (3) days or more. Generally, you must provide a document from your doctor or other recognized health care provider that would justify your absence. Likewise, you will need to provide documentation justifying your return to work.

Excessive absences, or lateness and excessive patterns of absences or lateness may lead to disciplinary action, up to and including termination. If you are absent from work for three (3) days without notice, the YSHA will consider that you have voluntarily resigned from your position.

#### 4.14 Orientation

The Personnel department will provide orientation check list upon employee reporting to work.

#### 4.15 Employee Evaluation

##### 4.15.1 Observation

Performance observations are conducted on a daily basis through interactions between managers and peers. These observations help manager and employees to determine the context for which a formal performance evaluation will transpire. It is not necessary for a manager to privately meet an employee each time an assessment is conducted.

##### 4.15.2 Performance Reviews

Performance reviews are one method by which the Manager builds a case for each employee's attitude, strengths and areas of improvement. Although a wage change may be given during a review, completion of a **Performance review is not a guarantee to expect changes in compensation.** Many other factors are related to the frequency and amount of compensation changes if they occur.

### 5. WAGE AND SALARY ADMINISTRATION

#### 5.1 Pay Cycle

**All timecards are due every Thursday by 4:30 p.m. Please submit to Accounts Payable.**

Payroll is performed weekly. Payday is on every Friday, at 1:00p.m. for services performed for the one (1) week period ending the previous Thursday @ 12:00 midnight. Paychecks are distributed by each department manager. Employees who wish to have their paycheck picked up by someone other than themselves must authorize their approval in writing to their immediate manager.

#### 5.2 Deductions

The YSHA is required by law to make certain mandatory deductions from employee paychecks. The standard deductions we withhold are Social Security, Medicare, State and Federal taxes, unemployment compensation, and workman's compensation.

Some employees may also have additional deductions mandated by court such as child support, IRS tax levies or student loans. The YSHA must make these deductions, so if you have a dispute in regard to the amount or frequency of these deductions, speak to someone in the payroll or human resource department.

### **5.3 Wage Assignments / Garnishment**

Some employees may also have additional deductions mandated by court such as child support, IRS Tax levies or student loans. The YSHA must make these deductions, so if you have a dispute in regard to the amount or frequency of these deductions, speak to someone in the payroll or Personnel department.

### **5.4 Pay Advances**

The YSHA does not make payroll advances to employees except when an employee is on travel status the entire week of the pay cycle.

### **5.5 Time Keeping**

Accurate and Complete records of the time worked by "ALL" employees must be maintained by the YSHA.

#### **5.5.1 Time Cards / Records**

All employees are required to use the time clock for recording time worked. Each employee is responsible for his/her time card and recording time for another employee will not be allowed. Punching in or out for another employee may be grounds for disciplinary actions. Each employee must sign their time card prior to their Manager's review and signature approval.

### **5.6 Work Schedule**

#### **5.6.1 Office Hours**

Normal daily operations begin at 8:00a.m. And end at 4:30p.m. With one-half (1/2) hour for lunch Monday through Friday. With approval, some employees work from 7:30a.m. and end at 4:30p.m.

#### **Construction Department**

The construction / Maintenance Department's normal daily operations begin at 8:00 a.m. and end at 4:30 p.m. with one-half (1/2) hour for lunch.

### 5.6.2 Breaks / Lunch

There will be an authorized 15-minute break within every 4-hour period of work for office workers. Break times for the Construction / Maintenance Department will be authorized by the Maintenance Manager.

### 5.6.3 Exercise / Health

An additional 30 minutes is granted for physical exercise in promoting a healthy lifestyle.

## 5.7 Absence or Lateness

Reporting for work regularly and on time is essential, since lateness or absence interferes with the daily running of the YSHA and places an extra workload on your fellow employees. Please use your personal days to schedule business, medical, dental and other appointments which conflict with your work schedule. Failure to report to work on time is cause for discipline, up to and including discharge.

### 5.7.1 Grace Period

Punch in time is 8:00a.m. with a fifteen (15) minute grace period to 8:15a.m. After 8:15a.m., the employees will be docked half an hour if no leave has been granted. The check out time is 4:30p.m. Employees that clock in at 7:30a.m. will receive a fifteen (15) minute grace period up to 7:45a.m. After 7:45a.m., they will be docked half an hour if no leave has been granted. The check out time is 4:00p.m.

## 5.8 Office Closure

If the Executive Director closes the offices, then time away will be recorded as Administrative Leave. This decision will be at the discretion of the Executive director.

## 5.9 Computing Pay

Pay is calculated on a 40 hours a week basis. Overtime and compensatory time are calculated on after the basis of 40 hours is actually worked. Accrual of leave earned is based on the hours actually worked.

## 5.10 Work Performed on Holdiays

Work performed on holidays will be paid as compensatory time at one and one half hours after actually working a 40 base hours. This applies to full-time regular employees only.

### 5.11 Call Back Pay

In response to an emergency after regular work hours, an employee will be guaranteed a minimum of two (2) hours of pay. If the emergency requires more than two (2) hours, time will be paid based on the actual hours worked. All emergencies must be documented work that could not wait till the morning of the next day of work. (Depending on the budget).

### 5.12 Cost of Living Increase

Cost-of-Living increases are not automatic or guaranteed. Consideration for any increase is subject to the availability of funds. The amount of any cost of living increase may be lower or up to the amount determined by the consumer price index for the immediate area. When granted, a cost-of-living increase shall apply to all employees classified as regular full-time employees.

### 5.13 Merit Increases

This will depend on the availability of funds and at the discretion of the Executive Director. With a current satisfactory job performance evaluation.

### 5.14 Termination / Severance

The Yankton Sioux Housing Authority expects that at least two (2) weeks' notice prior to voluntary separation. SEVERANCE PAY WILL NOT BE PROVIDED UNDER ANY CIRCUMSTANCES.

## 6. LEAVE EARNED AND USED

### 6.1 Authorization

- Managers may reserve the right to deny vacation requests for employees at the end of the fiscal year.
- All leave requests or overtime work for Managers must receive 24 hour prior approval from the Executive Director before use of leave or earning of compensatory time is authorized.
- All employees will need approval from the Executive Director to utilize annual leave prior to and/or after a holiday period.

### 6.2 Holidays

Any day designated by the President of the United States, the Governor of South Dakota, the YST Tribal Chairman, or by an act of Congress to be observed as holiday by federal and state employees will be recognized as a paid holiday under this policy.

Christmas Day	President’s Day	Independence Day
Employee’s Personal Birthday	Thanksgiving Day	Easter Monday
Labor Day	Veteran’s Day	Martin Luther King Jr. Birthday
Todd Zephier Memorial Day	Memorial Day	Good Friday
Columbus Day/ National Indian Day	Native American Day	New Year’s Day

### 6.3 Eligibility for Paid Holidays

Full-time regular employees are eligible for holiday pay

### 6.4 Holidays Falling on Weekends

When a holiday falls on a Saturday, the preceding Friday will be observed as the official holiday for that year. When a holiday falls on Sunday, the following Monday will be observed as the official holiday.

### 6.5 Annual Leave

#### 6.5.1 Accrual

Annual leave will be calculated and accrued monthly from the date of employment after the 90 day probationary period is satisfied. Paid annual leave is earned during the first three (3) months of employment, but an employee may not take the earned leave until after three (3) months of continuous employment and satisfaction of the probationary period.

Each full-time regular employee operating on a 12 month term will accrue annual leave on the following basis:

<u>Continuous Employment</u>	<u>Annual Leave</u>
0 to 3 years	2 hrs. / 40 hours weekly pay period
3 to 5 years	3 hrs. / 40 hours weekly pay period
5 years plus	4 hrs. / 40 hours weekly pay period

Annual leave time will not accrue during approved leaves of absence (LOA) or while on lay-off status.



Holidays which occur during the period selected by the employee for vacation leave shall not be charged against annual leave. The holiday will be charged against holiday leave regularly due to the employee.

#### **6.5.2 Payment in Lieu of Annual Leave**

An employee may request up to a maximum of 80 hours of “Annual Leave Payout” by completing a request form, signed by the Executive Director and submitting it to the Finance Office. It can only be requested three times a year. This will depend on the funding availability. Resolution 10-2013

#### **6.5.3 Payment upon Separation**

Employees who voluntarily resign or who are terminated will receive monetary compensation for annual leave credit accrued as of the date of resignation.

Payment for accrued annual leave does not apply to employees having less than three (3) months of employment.

All accrued annual leave of employees who die while in the service of the YSHA shall be paid in cash to the spouse or estate of the employee, provided the deceased employee had completed three (3) months of continuous service.

For leave purposes, reinstated employees are considered new employees and would accrue leave from date of rehire.

Employees on lay-off status will receive pay for accrued leave up to the date of lay-off.

#### **6.5.4 Advance Annual Leave**

Annual leave may not be taken before it is earned.

### **6.6 Sick Leave**

#### **6.6.1 Rate of Accrual**

Regular full-time employees shall accrue sick leave on the basis of two (2) hours for each forty (40) hours worked. Accrual shall begin with the employee’s effective date of employment and be made available to the employee at any time except during the first thirty (30) days of the Probationary period.

#### **6.6.2 Accumulation of Sick Leave**

- Sick leave accrued by YSHA employees, which is not used in the year in which it accrues, shall accumulate and be made available for use in succeeding years up to a maximum of (30) days.
- Accumulated sick leave is not eligible for cash payout.
- Only regular full-time employees shall accrue sick leave.
- Sick leave shall continue to accrue while a regular full-time employee attends reserve camp for a maximum of two (2) weeks.

### **6.6.3 Use of Sick Leave**

- Sick leave may be used during the employee's initial probationary period. Sick leave may not be taken before it is earned. Exceptions may only be made under emergency situations per approval by the Executive Director.

### **6.6.4 Request for Sick Leave**

Requests for sick leave for medical, dental, optical examination, or surgical operation for which an employee has prior knowledge of the anticipated absence, shall be approved by the Executive Director or the employee's Manager in advance. Under circumstances in which there is no prior knowledge of the absence, then a telephone call to the YSHA office shall be sufficient to request sick leave.

### **6.6.5 Certification of Illness**

Absences in excess of three (3) days will require a doctor's statement.

### **6.6.6 Excessive Use**

Frequent claiming of benefits under this rule will constitute grounds for the assumption by the YSHA that the physical condition of the employee is below the standard necessary for the proper performance of duties. Likewise, evidence of abuse of this benefit will constitute grounds for disciplinary action or dismissal.

### **6.6.7 Transfer to Other Leave**

When employee's illness continues beyond the expiration of his/her accumulated sick leave, the remaining time shall be charged to available time in the following order:

- Annual Leave
- Leave Without Pay

## **6.7 Administrative Leave**

Administrative leave may be granted at the discretion of the Executive Director when weather conditions indicate that offices should be closed or in order to recognize the death and/or funder of a Tribal leader or other person who has contributed significantly to the YSHA or under other circumstances deemed warranted by the Executive Director. Admirative Leave is not accrued leave; it is a privilege granted to employees by the YSHA's Executive Director or at the request of the YSHA Board of Commissioners or Tribal Chairman. In the event that an employee has already submitted a request for Annual Leave (i.e., the employee has mad a conscious decision to be gone) and then Administrative Leave is announced during the time that the employee is gone, the employee can change the Annual Leave request to Administrative Leave.

## **6.8 Spiritual Leave**

Spiritual Leave will be granted for participants one time per year, for sun dances, healing ceremonies, or the attendance of spiritual meetings or conferences up to four (4) days annually.

## **6.9 Funeral (Bereavement) Leave**

### **6.9.1 Eligibility for Funeral Leave**

Only regular full-time employees are eligible for paid funeral leave.

### **6.9.2 Immediate Family Funeral**

The YSHA permits up to four (4) workdays with pay to attend a funeral of an immediate family member in the sate of South Dakota. Up to five (5) workdays will be provided if the funeral is outside of the state of South Dakota. Immediate family includes grandmother, grandfather, a parent, spouse, spouses' parent, child spouse's child by a former marriage, brother or sister.

### **6.9.3 Funerals for Others**

Subject to Manager approval, employees may take up to one full day with pay to attend funerals of other relatives and friends. An employee needing time beyond the one (1) day must use annual leave subject to the Manager's approval.

### **6.9.4 Funeral for Others AS APPLIES TO TEMPORARY**

Subject to Manager approval, employees may take up to one full day with pay to attend funerals of other relatives and friends. An employee needing time beyond the one (1) day must use annual leave subject to the Manager's approval.

## **6.10 Jury Duty / Court Leave**

The YSHA believes it is the civic duty of its employees to accept jury duty service when called.

- The employee is required to present to the Executive Director or designee subpoena or other document, which gives instructions to report for jury duty.
- The employee shall report for jury duty each day as instructed by the court. At times the employee may be released from jury service during normal working hours; when this is the case, the employee shall be required to be at work, when practical.
- Any reimbursement amounts which an employee receives for jury service is not considered compensation and will be retained by the employee.
- An attendance slip must be obtained from the court verifying actual dates of service and submitted to the Executive Director or designee.
- Depending on circumstances in regard to testifying.

Note: If the employee fails to report for duty at the work place during normal work hours, there shall be no pay forthcoming from the YSHA for the time the employee failed to work when released from jury obligations for the day. This should be viewed pragmatically. If transit from the court location to the work site is such that very little time would remain for working, the employee shall be excused. As a rule of thumb, at least two (2) hours should be available for actual work.

## **6.11 Educational Leave / Online Education**

Educational Leave is leave that allows an employee to pursue his/her education while maintaining employment in accordance with the following:

### **6.11.1 Relationship to Job**

If the class or course-work is directly related to the employee's position or will improve the employee's job skills and abilities, the employee may be granted up to four (4) hours administrative leave per week to attend the class or course-work.

### **6.11.2 Additional Time**

Any time needed in excess must be taken as approved Annual Leave first or Leave without pay second.

### **6.11.3 Employee Teaching Class**

An employee teaching classes with pay from an outside source during work hours must take Annual Leave or Leave without pay.

#### **6.11.4 Maximum Leave**

Leave without pay will not exceed fifteen (15) working days per six (6) month period. This will be subject to approval of the Manager and Executive Director.

#### **6.12 Severe Weather**

Based on the nature of the severity of the weather. This will be at the discretion of the Executive Director. On occasions when there can be the potential for snow and/or ice storms or any inclement weather may necessitate an office closure. If the Executive Director closes the offices, then time away will be recorded as Administrative Leave. If the Executive Director does not close the office and transportation is difficult, work time arrangements must be approved by the employee's Manager.

#### **6.13 Family Medical Leave**

The Family Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is the twelve (12) months beginning on the employee's anniversary date of employment and 1,250 hours of continuous employment. During this leave, an eligible employee is entitled to continued health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or equivalent position.

#### **6.14 Maternity / Paternity Leave**

When a female employee, or the spouse of a male employee, is pregnant, it is important to the employee that pre-natal and post-natal care be provided to both the child and the mother. As such, "YSHA" recognizes the role of both the male and female parents and establishes the following maternity / paternity leave provisions:

- An employee may be granted and be paid for up to one (1) day per month during the first and second trimesters of gestation for the purposes of attendance at pre-natal care by a recognized medical provider. This applies to the pregnant female employee and to the male employee whose spouse is pregnant.
- An employee may be granted and be paid for up to two (2) days per month during the third trimester of gestation for the purposes of attendance at pre-natal care by a recognized medical provider. This applies to the pregnant female employee and the male employee whose spouse is pregnant.

- An employee may be granted thirty (30) days of unpaid maternity /paternity leave during the first (30) days after delivery to attend to the needs of the child. This applies to the female employee and to the male employee whose spouse has delivered.
- Request for paid maternity / paternity leave shall be made on the prescribed leave request form and the Executive Directors approval is required.
- The Executive Director must approve requests for up to thirty (30) days of post-natal un-paid leave. If granted by the Executive Director, the position shall be guaranteed to be held for the employee to return to work after the un-paid period is granted.

#### 6.15 Disability

The YSHA may grant an unpaid leave of absence for illness or disability. A request for disability leave of absence should be submitted to the Manager along with a statement from a doctor attesting to the ill health or disability and indicating the amount of leave necessary. An approved disability leave may be granted for up to 90 days. If necessary, an extended disability leave may be granted in 30 day increments for a maximum of one (1) year. Whenever possible, advance notice of the pending need for a disability leave of absence is required.

Annual leave previously earned (but not used) at that time will be paid if the employee so desires. Annual leave, sick leave, and any other leave will accrue during a leave of more than 30 calendar days.

Employees who develop an illness or physical condition which requires medical treatment or restrictions and precautions as to their health will be required to submit a physician's statement. This statement must give approval that continued full-time employment in their present position will not jeopardize their health or the safety of others, in the event they continue to work. A similar statement is required upon return from disability leave.

Should an employee's attendance or job performance suffer during the period preceding and/or following a disability leave, the YSHA will accommodate the employee to the greatest extent feasible. The YSHA is not obligated to reduce or alter an employee's workload or assign fewer than the usual hours of work.

The YSHA does not guarantee that the position vacated due to a disability leave of absence will be available upon an employee's return.

#### 6.16 Leave of Absence

The Executive Director may grant employees leave without pay for a specified period. Arrangements for returning persons who have been granted leave without pay (LWOP) will be made at the time the leave is granted. Annual Leave will not be accrued when an employee is on LWOP. Requests for LWOP must have prior approval from the Executive Director along with instructions regarding medical insurance. Availability of benefits for LWOP that exceeds one (1) consecutive month (four weeks) will be determined by the Executive Director on a case by case basis.

Annual leave time will not accrue during approval leaves of absence (LOA) pay or while on lay-off status.

### **6.17 Election Day**

The YSHA encourages all employees to participate in all Presidential, State or Tribal election process. Employee's will be granted up to 2 hours of Administrative Leave in order to cast their vote for the current election.

In the event of the Yankton Sioux tribal election; Enrolled members of the Yankton Sioux Tribe will be granted up to 2 hours of Administrative Leave either in the morning or afternoon in order to cast their vote for the current election.

### **6.18 Military Leave**

YSHA recognizes and respects that its employees may be required to be absent from work for military service.

#### **6.18.1 Leave for Service**

All non-temporary employees who are members of a reserve component of the Armed Forces shall be granted Military Leave with pay not to exceed five (5) days in any calendar year when they are called to active duty or training. If the military service is compensated, employee is entitled to the difference between the pay they receive during service and the pay that they would receive if employed for this five day period. Military leave in excess of (5) days in any calendar year shall be granted as leave without pay.

Employee is entitled to continuation of benefits during service including medical benefits if military services is less than 31 days.

#### **6.18.2 Restoration**

Employees on military leave are entitled to restoration to employment with the YSHA to their position or a position the employee would have had if the employment had not been interrupted for military service.

Upon restoration, the employee is entitled to all seniority-based rights and benefits as if the employee had remained continuously employed.

YSHA may refuse to reinstate employee only where the employer's circumstances have so changed as to make such reemployment impossible or unreasonable.

### **6.18.3 Employee Obligations**

In order to be eligible to the benefits of military leave, the employee must:

- A. Give timely notice of their need to perform military service except as required by military necessity or unless impossible or unreasonable. Request for military leave must be supported by military certificate of an officer of the Armed Forces of which the Employee is a member.
- B. Apply for reemployment within a set time after release from military service. In the case of service of less than 31 days, the individual must return to work on the first workday after release from military service unless otherwise directed by the YSHA. In the case of service lasting between 31 and 180 days, the individual must reapply within 14 days after completing service. In the case of service lasting more than 180 days, the individual must reapply within 90 days after the completion of service.
- C. Be released from active military service under honorable conditions.
- D.

## **7. EMPLOYEE RESPONSIBILITIES**

### **7.1 Conflict of Interest**

The employment of an YSHA Commissioner during his/her tenure or for one (1) year thereafter in a salaried position within the "YSHA" constitutes a conflict of interest.

### **7.2 Employee Privacy**

#### **7.2.1 Release of Information**

The YSHA will not release employee information to third parties unless the recipient has a business reason to know. The information will not be released to outside sources without the



employee's approval, except to verify employment dates and most recent job title, or as required by law. Subject to the approval of the Executive Director and the Personnel Officer.

#### **7.2.2 Expectation of Privacy**

Employees of the YSHA do not have the right to expect privacy while using YSHA premises, equipment, and supplies.

### **7.3 Outside Employment**

#### **7.3.1 Authorization**

Employment with the YSHA is expected to be your primary employment. The prior written approval must be obtained from the Executive Director for authorization of outside employment.

#### **7.3.2 Revocation of Privilege**

Any outside activity that interferes with your ability to properly perform your job duties at the YSHA or presents a conflict of interest with the YSHA will result in revocation of the initial authorization.

#### **7.4 Driver's License**

Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to YSHA's insurer. All employees are required to submit a copy of their driving record upon request by the YSHA. Driving record changes must be reported to the Personnel Officer immediately. Failure to do so may result in disciplinary action, including possible dismissal.

#### **7.5 Health and Fitness**

Initial and continued employment with the YSHA may be contingent on passing a physical/health examination at the employee's expense. YSHA requires assurance of employee's physical capability to handle the asks required of the position of your job. However, the YSHA will not conduct or seek to make inquiry as to whether an applicant is handicapped or the nature or severity of the handicap.

#### **7.6 Accidents**

Employees are required to report all on-the-job accidents/illnesses/injuries to their manager immediately. Managers are responsible for obtaining prompt and appropriate medical care from a qualified person for the injured/ill employee as soon as an injury has occurred. The manager must report the incident to the Human Resource Officer as soon as practicable following the incident.

Failure to report accidents, illnesses, or injuries may result in disciplinary action leading up to termination. Any employee who is involved in accident will be subject to an immediate drug test.

## **7.7 Safety**

Maintenance and construction workers may wear attire appropriate for construction work and in compliance with OSHA.

## **7.8 Resignation**

Since employees are employed at-will, they may voluntarily terminate employment with the YSHA at any time. Employees are expected to provide at least two weeks' notice of their planned termination date.

Upon receipt of termination notice, the Executive Director may set a termination date earlier than that selected by the terminating employee. Payment of any unearned wages for this period will be paid in the final pay.

### **7.8.1 Final Payment**

Employees terminating voluntarily may not take vacation during their last two weeks of employment. They will receive any accumulated accrued vacation dollars in their final pay. Payment of any earned wages, accrued annual leave and comp time will be paid two weeks after the date of departure or two weeks after the date upon which all outstanding balances/accounts/property with the YSHA are settled. Prior arrangements to receive final pay sooner have to be approved by the Executive Director.

## **7.9 Retirement**

The normal retirement age for full time regular YSHA employees is age 65. Individuals above the age of 65, however, may continue their employment if they so desire and if their health permits them to do so subject to the approval of the YSHA.

## **7.10 Reduction in Force, Furlough**

Terminations may occur as a result of a reduction of work and consequent reduction of work and consequent reduction of staff, a reduction of budget, or the completion of a program. Employees who are to be terminated for such reasons shall be given written notification at least thirty (30) days prior to their termination date provided that funding agency notification of reduction of funds is received within 30 days. The Department Manager must consult with the Executive Director before any action is taken. Employees who lose their job due to a RIF will be given preference and Section 3 preferences are given, and providing they meet minimum qualifications as outlined in the

job description. The preference will be given for the next three (3) months following the date of the RIF. Acceptance of a job (temporary, on-call, etc.) or the turndown of a job offered by the YSHA during the three months will negate the preference given. There is no grievance process for employees who have been terminated due to a reduction in force.

An employee may be placed on furlough because of changes in duties or organization or for lack of work or funds. Whenever possible, an employee laid off from one Department shall be transferred to a suitable position elsewhere. Whenever possible, at least two weeks' notice shall be given to an employee prior to furloughing.

Furlough shall be carried out based on demonstrated job performance and efficiency, with employees evaluated to be most proficient on their last performance evaluation report being retained the longest. Seniority within the service may be used to determine the order of furlough among employees with substantially equivalent records of job performance and efficiency, with the most senior employees being retained the longest. Furlough shall not be considered disciplinary actions.

Employees who are placed on furlough are responsible for filing for unemployment compensation benefits.

#### **7.11 Immediate Dismissal**

Employees involuntarily terminated for incidents involving moral turpitude, flagrant misconduct, gross ineffectiveness, serious violation of YSHA policies, or failing to correct continued substandard performance may be terminated immediately. Payment of any earned wages, accrued annual leave and comp time will be made two weeks after the date of departure or two weeks after the date upon which all outstanding balances/accounts/property with the YSHA are settled.

##### **7.11.1 Settling Accounts Due**

Terminating employees are expected to account for all YSHA-related equipment, supplies, and materials and settle any outstanding balances prior to leaving. The YSHA may deduct from any final monies due the terminating employee costs to offset any outstanding balances owed to the YSHA.

#### **7.12 Absent Without Notification**

Employees who are absent from work for 2 consecutive work days without giving proper notice to their supervisors will be considered as a No-Call / No-Show and will be terminated from their position with the YSHA, subject to the approval of the Executive Director.

### 7.13 Worker's Compensation

The YSHA provides worker's compensation insurance for injuries that occur from accidents on the job. Under the YSHA's official plan, the insurance pays allowable doctor and hospital costs and compensates employees unable to return to work because of occupational injury or illness. Under some circumstances, this insurance may cover part or all of the cost of re-training an employee who will not be able to return to the same kind of work because of injuries suffered. An individual may not use annual leave or sick leave in addition to receiving Worker's Compensation payments. This benefit is provided for all full-time employees.

### 7.14 Unemployment Compensation

The YSHA pays unemployment insurance taxes that finance payments of unemployment insurance benefits. This insurance is voluntarily provided by the YSHA through the State of South Dakota's unemployment system. This benefit is provided for all employees.

## 8. WORK STANDS OF CONDUCT

### 8.1 Code of Ethics

The YSHA is committed to operate all activities within the spirit and letter of all laws and regulations affecting its businesses and employees. Employee must exercise the highest level of integrity, ethics and objectivity in their actions and relationships which may affect the YSHA. Employees must not misuse their authority or influence of their positions in these relationships. Moreover, an employee has the duty to act in the best interest of the YSHA at all times.

### 8.2 Confidentiality

All employees will be required to sign a confidentiality agreement as a condition of employment. Disclosure of confidential information will result in disciplinary action, up to and including termination. Employees may not disclose privileged information about personnel actions, property acquisitions, YSHA's financial transactions, or policy actions prior to approval by the YSHA's Executive Director or the YSHA's Board of Commissioners. The YSHA and it also needs to protect the information it receives about employees and its clients.

### 8.3 Dress Code

The nature of the YSHA's business requires that all employees see and present themselves as professionals. Hair, clothing make-up and accessories should be neat and reasonably conform to contemporary standards appropriate to a work environment. Sweats and clothing with messages that are profane and/or obscene or advertising controlled substances are prohibited.

## 8.4 Smoking

The YSHA is committed to protecting and promoting the best health of all its employees. Balanced with this interest is the realization that some employees may engage in personal practices which may pose a risk to their health and are free to do so insofar as these practices do not interfere with their performance on the job or the health of other employees. There is at least one designated area outside in the back of the YSHA office. This is a smoking-free building.

## 8.5 Drug-Free Workplace

The use, possession, distribution or sale of illegal drugs while on YSHA premises is absolutely prohibited. Compliance with this prohibition will be strictly enforced. Non-compliance will result in immediate termination.

As required by the Drug-Free Workplace Act, employees will notify their Manager within 5 days of any guilty plea or conviction under a criminal drug statute for violations occurring on or off YSHA premises while conducting YSHA business.

### 8.5.1 Disciplinary Action

Notice of any aforementioned conviction from an employee or otherwise receiving actual notice of such conviction results in the following action(s) within 30 days of notice:

- A. Communicate information to overseeing federal agency, if any,
- B. Take appropriate personnel action against such an employee, up to and including termination, or
- C. Require such employee to participate satisfactorily in certified drug abuse assistance or rehabilitation program approved by such federal, Yankton Sioux, or local health, law enforcement or other appropriate agency.

### 8.5.2 Rehabilitation

The YSHA recognizes drug and alcohol dependencies as illnesses and supports rehabilitative efforts which will reasonably assist employees when such assistance is conscientiously sought and desire for rehabilitation is evident.

### **8.5.3 Information & Referral**

The Treatment Center or YSHA, will maintain and make available information on drug and alcohol awareness, counseling, rehabilitation and referral programs.

## **8.6 Use of Property by employees for personal use**

### **8.6.1 Use of Construction Equipment/ Tools**

If you want to use YSHA equipment or tools during or after work hours for personal benefit, you must have the approval of your Manager. You must have a written authorization form, as per Executive Director before removing the equipment or tools from YSHA property. You understand and agree that YSHA is not liable for personal injury incurred during the use of Housing Authority property for personal projects. As an YSHA employee, you accept full responsibility for any and all liabilities for injuries or losses which occur, or for the malfunction of equipment. You are responsible for returning the equipment or tools in good condition and you agree that you are required to pay for any damages that occur while using the equipment or tools for personal projects.

All records, case files, data resource materials, supplies or equipment made by an employee within the scope of his/her employment with the YSHA shall be and remain the sole and exclusive property of the YSHA, and may not be removed without permission of the Manager or Executive Director. This only applies to YSHA employees.

### **8.6.2 Use of Office Equipment / Supplies**

Office equipment and supplies are to be used by employees solely for the purpose of conducting YSHA official business.

## **8.7 Email & Internet Usage**

Email and Internet usage is confined to the conduct of YSHA business only. Employees are prohibited from using the YSHA computers for accessing the Internet or mails for personal business. Employees that choose to view websites that engage in social networking like: Facebook, TikTok, Twitter, Snapchat, Instagram or online games, etc. will be disciplined according to the policy. Unless it is to post updates for tenants on the YSHA Facebook page. (Only the Personnel Officer will have access to)

## **8.8 Harassment**

The YSHA intends to provide a work environment that is pleasant, healthful, comfortable, and free from intimidation, hostility or other offenses that might interfere with work performance, physical contact, or violence. Harassment is not necessarily sexual in nature.

#### **8.8.1 What is Harassment?**

Harassment can take many forms. It may be, but not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature when such conduct creates an intimidating environment, prevents an individual from effectively performing the duties of their position, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

#### **8.8.2 Responsibility:**

As an YSHA employee, you are responsible for keeping our work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to the Executive Director and/or his/her designee or any Board of Commissioners of the YSHA with whom you feel comfortable. When the YSHA becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the Housing Authority to do so.

#### **8.8.3 Reporting:**

If you feel that you have experienced harassment, report the incident immediately to the Executive Director or any Commissioner of the YSHA with whom you feel comfortable. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. An employee found to have harassed a fellow employee or subordinate will be subject to severe disciplinary action or possible discharge. The YSHA will also take any additional action necessary to appropriately correct the situation. The YSHA will not retaliate against any employee who makes a good faith report of alleged harassment, even if the employee was in error.

The YSHA accepts no liability for harassment of one employee by another. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such actions and their consequences. The YSHA will not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

#### **8.8.4 Unauthorized Use of Time**

Conducting personal business or non-YSHA business is considered unauthorized use of time which is subject to disciplinary action or termination.

## 9. **DISCIPLINE**

### 9.1 **Authority**

The appropriate Manager or the Executive Director initiates disciplinary action, All initiated disciplinary actions must be coordinated with the Manager and reviewed for final action by the Executive Director.

Disciplinary action of Managers will be initiated and carried out by the Executive Director.

### 9.2 **Right to Appeal**

The employee has the right of appeal in accordance with the Employee Grievance Policy, Section 9, except during any new hire probationary period or during the disciplinary action process outlined in Section 1.8.1..

### 9.3 **Discipline**

#### 9.3.1 **Verbal Pre-Counseling**

The Department Manager will conduct a session with the employee to provide counseling.

#### 9.3.2 **Formal Counseling Session**

The Department Manager will hold a formal counseling session with the employee to ensure the employee understands that failure to comply with policies and procedures will not be tolerated and to formalize a plan to take corrective action. The Manager must document the formal counseling session and provide a copy to the employee. The Department Manager must maintain a copy for the Department files.

#### 9.3.3 **Written Warning**

If the problem continues after the counseling session, The Department Manager notifies the Executive Director of the employee problem. The Executive Director assists the Department Manager in determining an appropriate course of action to be outlined in a letter of written warning. The letter may provide any of one or combination of the following:





- Warning
- Probation
- Suspension
- Demotion

#### **9.3.4 Right to Appeal**

At this stage of disciplinary action, the employee has the right to appeal to the Executive Director.

### **9.4 Punitive and Job Status Actions**

#### **9.4.1 Authority**

Department Managers may initiate disciplinary actions that conform to the process described in Section 1.8.1. Department Manager must recommend punitive action to the Executive Director who maintains final decision-making authority.

#### **9.4.2 Letter of Reprimand**

#### **9.4.3 Probation**

Probation shall be for at least one month or up to 3 months depending upon the severity of the problem and the employee's past contribution. All probationary actions require the Executive Director's approval.

#### **9.4.4 Suspension**

The Executive Director can immediately suspend any employee without pay for committing a flagrant or negligent act which is not consistent with the mission and interests of the YSHA. It is the Department Manager's prerogative to recommend to the Executive Director either suspension or termination in the event of an employee's continued unsatisfactory performance during a disciplinary probationary period. The Executive Director determines the length of the suspension, taking into consideration the seriousness of the ramifications of the act committed and the employee's overall performance.

#### **9.4.5 Demotion**

An employee may be demoted to an unfilled position in a lower level for which he/she is qualified under the following circumstances:

- If he/she would otherwise be laid off because his/her position is being eliminated, there is a lack of funds, or there is a lack of work; or,

- If he/she does not perform at the level of expectation in the position he/she currently holds; or,
- If he/she voluntarily requests it; or,
- If he/she completes an application for the position and proceeds in accordance with the standard application procedures; or,
- Any other situation which the YSHA deems necessary.
- Salary and benefits may be reduced to the appropriate pay for the lower level position.

#### **9.4.6 Termination**

Incidents involving moral turpitude, flagrant misconduct, gross ineffectiveness, or serious violation of the YSHA's mission and goals or policies and procedures will result in immediate termination of employment. Disciplinary action of this type may only be exercised by the Executive Director.

## **10. Grievance**

### **10.1 Policy**

It is the policy of the YSHA that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a grievance process. The grievance procedure set forth in this section does not apply to corrective action decisions or termination. The YSHA will attempt to resolve promptly all grievances that are appropriate for handling under this policy. Only an employee who has successfully completed his/her probationary period and is considered regular full-time or regular part-time has recourse to the process set out below. Those employees who are considered temporary, seasonal, TERO, and volunteers do not have access to the grievance process.

### **10.2 Definition**

An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of work-related policy or decision by management, supervisors, or other employees. Examples of matters that may be considered appropriate grievances under this policy include:

- A belief that the YSHA policies, rules, regulations, or procedures have been applied inconsistently;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), or intimidation;

- Alleged discrimination because of race, color, sex, religion, national origin, marital status, or disability; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review or salary.

### **10.3 Informal Resolution**

**Step 1:** Employees are expected to make every effort to resolve job-related difficulties and problems with their immediate Manager in a manner as informal as possible. Both the Manager and the employee shall keep a record of this effort. This record should contain any written, telephone, electronic, or personal correspondence, and shall include dates and times of such communications as well as their content.

**Step 2:** If this step fails to produce a result satisfactory to the employee, the employee may request to meet with the Department Manager to review the issue with both the Manager and employee. The employee must present all the facts and documentation in writing to the Department Manager within five (5) working days of the decision made by the Manager. The Department Manager has five (5) working days to provide a written decision to the employee and his/her Manager.

**Step 3:** If this step fails to produce a result satisfactory to the employee, the employee may request to meet with the Executive Director. However, the employee may not avail him/herself of this request until he/she has first made a good faith effort to resolve the issue informally, according to the methods set out above. The employee has five (5) working days from the time of the decision made by the Department Manager to present all the facts to the Executive Director. The Executive Director has ten (10) working days (excluding travel) to synthesize all the details, to meet with each party individually (if applicable), and make a decision. All decisions by the Executive Director shall be in writing and are final.

### **10.4 Assurance**

No reprisals of any kind will be taken or tolerated against any employee because he or she has filed or advanced a grievance under this policy.

## Receipt & Acknowledgement of "YSHA" Employee Manual

This Employee Manual is an important document to help you become acquainted with "YSHA". This Manual Serves as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the general business atmosphere of "YSHA" and economic conditions are always changing, the contents of this Manual may be changed at any time at the discretion of "YSHA" advantages, disadvantages, benefits and responsibilities such changes will have on you as an employee and on "YSHA".

Please read the following statements and sign below to indicate your receipt and acknowledgement of the "YSHA" Employee Manual.

- I have received and read a copy of the "YSHA" Employees Manual. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of "YSHA" at any time. I understand that this manual replaces (supersedes) all other previous manuals for "YSHA" as of **October 25, 2022**.
- I further understand that my employment is terminable at will, either by myself or "YSHA", regardless of the length of my employment or the granted of benefits of any kind.
- I am aware that during the course of my employment; confidential information will be made available to me, i.e., resident's lists and other related information. I understand that this information is critical to the success of "YSHA" and must not be disseminated or used outside of "YSHA's" premises. In the event of termination or employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or Housing Authority.
- I understand that, should the content be changed in any way, "YSHA" may require an additional signature from me to indicate that I am aware of and understand any new policies.
- I understand that my signature below indicates that I have read and understand the above statements and have revied a copy of the "YSHA" Employee Manual.

---

Employee Signature

---

Date

The signed original copy of this agreement should be given to your supervisor and filed in your personnel file.

Yankton Sioux Housing Authority  
Drug-Free Workplace and Drug Free Testing Policy

I. **General**

A. **Purpose**

The Yankton Sioux Housing Authority (YSHA) is committed to protecting the safety, health, and well-being of its employees, its clients, and all people who come into contact with its workplaces and property. Recognizing that drug and alcohol abuse pose a direct and significant threat to this goal. In accordance with the Drug-Free Workplace Act (1988), YSHA is required to certify that it will provide a drug-free workplace.

This Drug-Free Workplace and Drug-Testing Policy establishes YSHA's policy and procedures regarding: (i) alcohol use and abuse; (ii) the illegal use, sale or possession of drugs; (iii) the misuse of drugs; and (iv) the YSHA's drug policy and procedures.

B. **Scope**

The provisions of this Policy are applicable to all members of the YSHA Board of Commissioners, YSHA employees, and job applicants, without exception. For purposes of this Policy, references to "employees" also include members of the Board of Commissioners.

C. **Policy**

YSHA strictly prohibits the illegal use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession or transfer of illegal drugs, intoxicants, or controlled substances, at any time, in any amount, and in any manner, on or off the job. Illegal drugs include all drugs, the possession of which is illegal under federal law, including prescription drugs for which the individual does not have a valid prescription. In addition, YSHA prohibits the use of alcohol on the job, as well as reporting to work with the detectable presence of alcohol in one's system. Any violation of the Policy shall result in adverse employment action, up to and including possible discharge and referral for criminal prosecution. Job applicants in violation of this Policy shall be denied employment.

Under this policy, YSHA may ask members of the Board of Commissioners and employees to submit a urine, blood, saliva, breath, and/or hair sample to test for drugs and alcohol. Testing is a mandatory condition of initial and continued employment and appointment to the Board. Refusal to submit to such a test constitutes a violation of YSHA's policy and is grounds for adverse



employment action. YSHA will pay the cost of all drug tests it requires from employees and job applicants.

## **II. Notice**

All Commissioners, employees, and job applicants will be given notice of YSHA's Drug Free Workplace and Drug Testing Policy. Employees should review and understand the reasons for the Policy, the benefits of the Policy to the employees and to YSHA, the effects of alcohol and drugs on individuals and their families, and the use of alcohol test and drug tests. Employees and new hires will be asked to sign a certification in which they acknowledge that they have read and understand this Policy.

## **III. Rules of Conduct**

The following rules of conduct apply to all Commissioners and YSHA employees. Violation of any rule will subject the violator(s) to disciplinary action, up to and including discharge, in accordance with Section XII below, and referral for criminal prosecution.

- A. The illegal use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, or transfer of any illegal drugs, intoxicants, or controlled substance, including prescription medications for which the individual does not have a valid prescription, at all times, is strictly prohibited. A positive drug test result for an illegal drug or a prescription drug for which the individual does not have a valid prescription will subject the employee to disciplinary action, up to and including possible discharge.
- B. The YSHA also prohibits the use or abuse of alcohol while on the job, on YSHA property, or in an YSHA vehicle, or while representing YSHA in any capacity at any function or in any manner as well as the use or abuse of alcohol which impairs, to any extent, performance on the job. Furthermore, employees are prohibited from reporting to work with alcohol in their systems. A positive alcohol test will subject the employee to disciplinary action, up to and including possible discharge.
- C. Any employee, who learns that his or her use of a drug, including a prescription medication or over-the-counter medication may present a safety risk, is to report such use to his or her supervisor. It is the employee's responsibility to check with his or her physician and/or to read the product information provided with any medication to determine if a particular medication could impair his or her abilities. YSHA personnel will keep any such information confidential in accordance with Section XIII below.

## **IV. Education**

YSHA will take steps to provide its employees and supervisors with education regarding the effects of substance abuse and the implementation of this Policy.



## **V. Employee Assistance**

- A. It is YSHA's policy to offer employees and their dependents with alcohol or drug abuse problems referral to appropriate services and rehabilitation programs that emphasize education, prevention, counseling, and treatment. An employee's health insurance may cover drug or alcohol dependency.
- B. It is the responsibility of each employee to seek assistance before the employee's alcohol or drug abuse problem(s) lead to disciplinary action, up to and including possible discharge.
- C. An employee's decision to seek help voluntarily will not necessarily be used as a basis for disciplinary action against the employee. The employee may be transferred, given work restrictions, or placed on leave, as YSHA deems appropriate, while the employee seeks assistance and/or until the employee is drug and/or alcohol free.
- D. In order for an employee's decision to seek help to be considered voluntary, the employee must seek such help prior to a referral to the collection site for purposes of obtaining an alcohol or a drug test.

## **VI. Initial and Random Testing**

- A. The YSHA has determined that all of its employees occupy sensitive positions that have a direct impact on public health and safety, handle confidential information, or require a high degree of public confidence and trust to perform their duties and that the use of alcohol and illegal drugs is a serious problem on the Yankton Sioux Indian Reservation, including among YSHA employees. Therefore, the YSHA Board of Commissioners has designated all YSHA positions as "safety sensitive" and subject to the Initial and Random drug testing procedures in this Section and the Post-Accident or Incident drug testing procedures in Section VIII of this Policy.

### **B. Initial Testing**

1. For job applicants, advance notice of the initial testing requirements shall be included in any written offer of employment to the employee.
2. All job applicants must take and pass a mandatory alcohol and/or drug test as soon as practical following their acceptance of a conditional offer of employment and prior to the actual time they commence employment with YSHA.
3. Job applicants who test positive for alcohol and/or illegal drugs or who refuse to submit to testing will not be hired and are ineligible for employment for a period of six (6) months following the YSHA's denial of employment.

4. This will exclude THC from the initial drug test during the hiring process. (Passed in BOC Minutes August 1, 2022)

### **C. Random Testing**

1. Mandatory drugs and/or alcohol testing of all employees will be conducted from time to time at the discretion of management.
2. Testing will be conducted on an unannounced basis and employees will be selected for testing using a computer generated random selection process.
3. Written notice to individuals who have randomly selected shall indicate the time and place to immediately report for testing and explain that the individual was randomly selected and not suspected of alcohol or drug use.

### **VII. Reasonable Suspicion Testing**

- A. Reasonable suspicion testing for drugs and/or alcohol shall be conducted whenever YSHA management receives information about an employee's conduct that would cause a reasonable person to believe the employee is demonstrating signs of impairment due to alcohol or drugs or has used alcohol while on the job, on YSHA property, in a YSHA vehicle, or while representing YSHA at any function or in any manner.
- B. Reasonable suspicion is a determination that must be supported by specific and particularized facts and reasonable inferences from those facts. Reasonable suspicion cannot be based on unsupported rumors, hunches, or anonymous reports.
- C. Reasonable suspicion of alcohol/drug use may be supported by:
  1. Evidence of specific, personal observations concerning job performance, appearance, behavior, or speech;
  2. Direct observation of alcohol/drug use, physical symptoms of being under the influence or alcohol/drugs, admission, or any combination of the foregoing; or
  3. Newly discovered evidence that the employee has tampered with a previous alcohol/drug test.
- D. Upon presentation of reasonable suspicion evidence, the Executive Director, or his/her authorized designate, shall determine whether the employee should be tested.
- E. If the determination is that the employee should be tested, the Executive Director (or delegate) should;

1. Immediately prepare a written statement of the grounds for reasonable suspicion of an employee's alcohol/illegal drug use; and
  2. Serve the statement and notice of the individual indicating the time and place to report for the test.
- F. Any employee having a reasonable suspicion that another employee is using alcohol or illegal drugs while on duty may immediately, or as soon as practical, report such use to the Executive Director. The report must be in writing and shall contain the name of the reporting employee, the suspected employee, and the time, date, nature and extent of alcohol/drug use.

### **VIII. Post-Accident or Incident Testing**

Post-accident or incident testing for alcohol and/or drugs shall be conducted when an employee is involved in an accident or near-accident that caused or could have caused loss of life, serious bodily injury, or significant property damage, and it appears that the employee's acts or failure to act could have contributed to the incident.

### **IX. Follow-Up Testing**

- A. An employee who tests positive for drugs under this Policy and who is disciplined under this Policy or is discharged and rehired shall be subject to unannounced follow-up testing for a period of one (1) year from the date of the positive test result.
- B. All employees tested pursuant to this Section IX shall be tested each time random drug tests take place under Section VI of this Policy and shall be tested in addition to the individuals subject to random testing at the time.
- C. Testing under this Section IX does not prevent the YSHA from requiring an employee to be tested pursuant to other Sections of the Policy.
- D. Positive test results under this Section IX shall constitute good cause for discharge under Section XII.

### **X. Positive Test for Alcohol or Drugs**

An employee whose alcohol or drug test is positive is considered to be in violation of YSHA policy and will be subject to adverse employment action, up to and including possible discharge in accordance with Section XII.

### **XI. Procedures For Alcohol and Drug Testing**

- A. Notice. The Executive Director, or his/her delegate, shall serve any written notice required under this Policy. The Notice shall indicate the time and place for testing, inform the employee of the basis for the test (initial, random, reasonable suspicion, etc.) and the individual's rights to offer documentation regarding any prescription and non-prescription drugs being used and the circumstances surrounded such use. The Executive Director, or his/her authorized delegate, shall immediately escort the person to the collection site for testing.
- B. Consent. No alcohol or drug test may be administered or conducted without the written consent of the person being tested. However, an employee's refusal to submit to a proper test will be viewed as insubordination and will be subject to the employee's discharge.
- C. Collection and Chain of Custody. Employees will be asked to provide a urine, blood, breath or hair sample by the collection site person. Procedures for collection will allow for individual privacy unless there is a reason to believe the individual may alter or substitute the specimen to be provided. The collection site person and the person being tested will maintain chain-of-custody procedures at all times.
- D. Testing. Test will seek only information about the presence of drugs and alcohol in an individual's system, and will not test for any other medical condition. However, test may be conducted on the sample to establish its suitability for testing and/or presence of adulterants.
- E. Notification. Any individual who test positive is to be so notified by a medical review officer and given an opportunity to provide the medical review officer with any reasons he or she may have that would explain the positive alcohol or drug test other than the presence of alcohol or the illegal use of drugs. The medical review officer shall examine alternate medical explanations for any positive test results. This examination may consist of conducting a medical interview of the employee, a review of the employee's medical history, or a review of any other relevant medical facts. If the individual provides an explanation acceptable to the medical review officer that the positive alcohol or drug test result is due to factors other than the presence of alcohol or illegal drugs in the test specimen, the test result will be reported to YSHA as negative.

## **XII. Disciplinary Action**

- A. Employees:
  - 1. Who refuse to submit to alcohol or drug testing required under this Policy shall be discharged;
  - 2. Who test positive for alcohol or illegal drugs shall be suspended without pay and are required to enroll in a rehabilitation program or shall be discharged from employment, depending on the facts and circumstances surrounding the violation.
- B. Disciplinary action pursuant to this Section shall be taken by the Executive Director or, if the employee is the Executive Director, by the Chairman of the Board of Commissioners.

- C. An employee required to seek rehabilitation pursuant to this Section shall provide proof of entrance into a rehabilitation program within ten (10) days of suspension.
- D. An employee required to seek rehabilitation pursuant to this Section must meet all of the following conditions in order to return to work:
  - 1. Complete a rehabilitation program and provide a written certification of completion or rehabilitation signed by an authorized representative of the rehabilitation program.
  - 2. Enroll in an aftercare program approved by an appropriate rehabilitation facility in consultation with the Executive Director; and
  - 3. Refrain from drug use.
- E. All records relating to an employee's rehabilitation shall be held in the utmost confidence and in accordance with Section XIII of this Policy.
- F. Any employees who test positive for alcohol or drugs and who are disciplined pursuant to this Section shall be subject to follow-up testing or accordance with Section IX.
- G. Any employee convicted of an alcohol or drug-related offense under tribal, federal, or state law shall either:
  - 1. Be suspended without pay for not more than six (6) months nor less than three (3) months, depending on the facts and circumstances surrounding the offense; or
  - 2. Be discharged.
- H. Good cause for discharge exists if any employee:
  - 1. Fails or refuses to report for, or submit to, drug testing required under this Policy;
  - 2. Refuses to enroll in a rehabilitation program as required by this Policy;
  - 3. Fails to complete a rehabilitation program after testing positive for alcohol and/or illegal drugs;
  - 4. Test positive for alcohol and/or illegal drugs under this Policy;
  - 5. Has tampered with, diluted, or altered a urine sample; or
  - 6. Has been convicted of an alcohol and/or drug-related offense under tribal, federal, or state law.

- I. An employee discharged for a violation under this Policy shall not be eligible for employment with the YSHA under contract or other employment for six (6) months after date of discharge. If rehired, the individual shall be subject to follow-up testing.
- J. The Executive Director, or, if the employee is the Executive Director, the Chairman of the Board of Commissioners shall serve the offending employee with a written notice of the disciplinary action imposed pursuant to this Section. The notice shall be served during normal business hours. The notice shall both:
  - 1. Indicate the date and time of service on the employee;
  - 2. Explain the disciplinary action imposed and the reason for the action; and
  - 3. Explain any applicable grievance rights.
- K. Disciplinary action imposed pursuant to this Section shall take effect immediately.

### **XIII. Confidentiality**

- A. All test results and other sensitive testing related records, including medical records, will be treated as confidential and held in the utmost confidence.
- B. Test results will not be released by the collection site, the drug testing laboratory, the Executive Director and/or his/her authorized delegate without the written consent of the tested individual, except as either provided in this Policy or otherwise as required by law.

EMPLOYEE / JOB APPLICANT CERTIFICATION

Drug-Free Workplace and Drug Testing Acknowledgment

I hereby certify and acknowledge that the Yankton Sioux Housing Authority has provided me with a copy of its Drug-Free Workplace and Drug Testing Policy; that I have read and understand the Policy; and that I agree to abide by the terms and conditions of the Policy.

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Employee / Job Applicant

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Date

## Personnel Policy Changes

Approved by the Board of Commissioners per board minutes on 8/1/2022

### 1. Section 1.8.1 Disciplinary Actions

Previously stated "Written warnings will include the reasons for the supervisor's dissatisfaction and any supporting evidence. You will have an opportunity to defend your actions and rebut the opinion of your supervisor at the time of the warning is issued. Disciplinary actions may also include suspensions or other measures deemed appropriate to the circumstances."

Will now state: "Write *ups are to be written by the appropriate manager then submitted to Personnel for a retention of records.* Written warnings will include the reason for the supervisor's dissatisfaction and any supporting evidence. You will have an opportunity to defend your actions and rebut the opinion of your supervisor at the time the warning is issued. Disciplinary actions may also include suspensions or other measures deemed appropriate to the circumstances."

### 2. Section 7.12 Absent without notification

states "Employees who are absent from work for three consecutive workdays without giving proper notice to their supervisors may be considered as having voluntarily resigned their employment with the YSHA, subject to the approval of the Executive Director.

Will now state: "*Employees who are absent from work for 2 consecutive workdays without giving proper notice to their supervisors will be considered as a No-Call / No-Show and will be terminated from their position with the YSHA, subject to the approval of the Executive Director.*"

### 3. Section 7.10 Reduction in Force, Lay-offs

Will change the word "Lay-off" from this section of the policy to furlough.

### 4. Section 6.1 Authorization

States "Use of annual leave time prior to and/or after a holiday period requires advanced authorization from the Executive Director"

Will now state "*All employees will need approval from the Executive Director to utilize annual leave prior to and/or after a holiday period.*"

### 5. Section 5.7.1 Grace Period

States "Punch in time is 8:00 a.m. with a fifteen (15) minute grace period to 8:15a.m. After 8:15a.m., the employee will be docked half an hour if no leave has been granted. The check out time is 4:30p.m. Employees that clock in at 8:30a.m. will receive a fifteen (15) minute grace period up 8:45a.m. After 8:45a.m., you will be docked half an hour if no leave has been granted. The check out time is 5:00p.m."



Will now state *“Punch in time is 8:00a.m. with a fifteen (15) minute grace period to 8:15a.m. After 8:15a.m., the employees will be docked half an hour if no leave has been granted. The check out time is 4:30p.m. Employees that clock in at 7:30a.m. will receive a fifteen (15) minute grace period up to 7:45a.m. After 7:45a.m., they will be docked half an hour if no leave has been granted. The check out time is 4:00p.m.”*

#### **6. Section 5.6.1 Office Hours**

States *“Normal daily operations begin at 8:00a.m. and end at 5:00p.m. with one-half (1/2) hour for lunch Monday through Friday. With approval, some employees work from 8:30a.m. and end at 5:00p.m.*

Will now state *“Normal daily operations begin at 8:00a.m. And end at 4:30p.m. With one-half (1/2) hour for lunch Monday through Friday. With approval, some employees work from 7:30a.m. and end at 4:00p.m.”*

#### **7. Section 14.13 Absences**

Typo states *“14.13”* needs to be changed to *“4.13”*

#### **8. Section 8.6 Use of Property**

Will now state *“Section 8.6 Use of Property by employees for Personal use”*

#### **9. Section 1.8 Unacceptable Activities**

States *“Generally, Speaking, we expect each person to act in a mature and responsible way at all times.”*

Will now state *“We expect each person to act in a mature and responsible way at all times. “*

#### **10. Section 4.10.2 Employees Unacceptable for Reemployment**

States *“Former employees who voluntarily resigned without adequate notice or who were involuntarily terminated will not be considered for re-employment for (1) one year from the date of termination.*

Will now state *“Former employees who voluntarily resigned without adequate notice or who were involuntarily terminated will not be considered for re-employment for (6) six months from the date of termination.”*

#### **11. Section 1.9.1 Dismissal**

States:

- E. Employees serving the “Introductory Period” may be dismissed without cause and are not eligible to use the “Employee Grievance Policy” as method to retain employment with the Yankton Sioux Housing Authority.  
Employees other than the Executive Director may be dismissed for cause by the Employees other than the Executive Director. The Executive Director may be dismissed for cause by the Board of Commissioners. A written statement of reasons will be provided to the employee if the employee is not serving the “introductory period”.

**Will now state:**

- A. *Employees serving the “Introductory Period” may be dismissed without cause and are not eligible to use the “Employee Grievance Policy” as method to retain employment with the Yankton Sioux Housing Authority.*
- B. *Employees other than the Executive Director may be dismissed for cause by the Employees other than the Executive Director. The Executive Director may be dismissed for cause by the Board of Commissioners. A written statement of reasons will be provided to the employee if the employee is not serving the “introductory period”.*

**Section 4.3 Drug Testing**

States “It is the YSHA’s policy not to employ persons who use illegal drugs or abuse alcohol. Accordingly, the YSHA shall have the right to require an employee to submit to testing for drug and/or alcohol use as a continuing condition of employment as the YSHA deems necessary to the safe and efficient operation of YSHA operations.

Will now state “The YSHA shall have the right to require an employee to submit to testing for drug and/or alcohol use as a continuing condition of employment as the YSHA deems necessary to the safe and efficient operation of YSHA operations. Only during the initial hiring drug testing will the observation for THC will not be taken into consideration. (Refer to YSHA BOC’s minutes August 1<sup>st</sup>, 2022.)

**12. Section 8.7 Email & Internet Usage**

States “Email and Internet usage is confined to the conduct of YSHA business only. Employees are prohibited from using the YSHA computers for accessing the Internet or mails for personal business. Employees that choose to view websites that engage in social networking like: Facebook, Bebo, Myspace, online games, etc. will be disciplined according to the policy.

Will now state “Email and Internet usage is confined to the conduct of YSHA business only. Employees are prohibited from using the YSHA computers for accessing the Internet or mails for personal business. Employees that choose to view websites that engage in social networking like: Facebook, TikTok, Twitter, Snapchat, Instagram or online games, etc. will be disciplined according to the policy. Unless it is to post updates for tenants on the YSHA Facebook page. (Only the Personnel Officer will have access to)



**13. Section 9.3 Grievance**

Will be changed from “9.3 Grievance to *9.3 Discipline*”

**14. Section 6.16 Election Day**

States “The YSHA encourages all employees to participate in the election process. Employees are normally expected to vote before or after working hours. If an employee cannot vote before work and get to work on time, or cannot get to his/her voting place after leaving work at the normal end of the business day, the Executive Director or designee may authorize a late arrival or early departure of up to two (2) hours. This time will be reported as normal work hours.”

Will now state “ *The YSHA encourages all employees to participate in all Presidential, State or Tribal election process. Employee’s will be granted up to 2 hours of Administrative Leave in order to cast their vote for the current election*

*In the event of the Yankton Sioux tribal election; Enrolled members of the Yankton Sioux Tribe will be granted up to 2 hours of Administrative Leave either in the morning or afternoon in order to cast their vote for the current election. “*

**15. Section 6.15 Leave of Absence**

Will add on stating “In the event that the Executive Director is requesting LWOP; it must be approved by the Board of Commissioners.”

**16. Section 4.1 Job Related Background Checks**

States “ Upon an employee’s acceptance of an employment offer, the YSHA may, at its discretion, conduct a background check. Job related background verification may consist of prior employment verifications, professional licensure, personal or professional references, certification of education or other certifications.

As appropriate, other background checks may also be conducted. Your employment offer may be subject to the satisfactory findings of one or more completed background checks.”

Will now state “ *Upon an employee’s acceptance of an employment offer, the YSHA may, at its discretion, conduct a background check. Job related background verification may consist of prior employment verifications, professional licensure, personal or professional references, certification of education or other certifications.*

*As appropriate, other background checks may also be conducted. Your employment offer may be subject to the satisfactory findings of one or more completed background checks. Each applicant will be reviewed on a case-by-case basis.”*