



YEAR 2004
'NAMGIS PERSONNEL POLICY
MANUAL

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1.0 INTRODUCTION

All employees, Councillors and Committee members are required to read and adhere to the following personnel policy. The ‘Namgis First Nation personnel policy is intended to outline the rights and responsibilities of ‘Namgis Staff and the employer regarding the day to day operations of the ‘Namgis First Nation.

Policy will be established by the employer (‘Namgis First Nation Council). All Staff and Council may raise any concerns about the policy by:

- meeting with their supervisor,
- writing a letter to the Nation Administrator
- Writing a letter to Council

All personnel policy recommendations must be reviewed and ratified by the ‘Namgis First Nation Council.

Additional policies may apply to the Education, Health Centre and other staff depending on the specific nature of their programs. Please see the Appendices in the personnel Manual for additional policies that apply to specific programs. However, where these separate policies are silent, the ‘Namgis First Nation Personnel Policy will apply. The primary task of each employee is to provide the best possible service to ‘Namgis First Nation members.

2.0 CODE OF ETHICS

All employees are expected to adhere to the following ‘Code of Ethics’:

All actions of the employees & Council shall endeavour to enhance the integrity and dignity of the ‘Namgis First Nation.

The authority and administrative structures of the Council are to be respected at all times.

Employees are to utilise their time and program resources as effectively as possible.

Employees and Councillors will speak and act towards each other and those they serve with respect and dignity, always being mindful of one's individual rights and feelings.

Employees and Councillors are expected to maintain confidentiality of any ‘Namgis business so designated.

Employees must recognize that the relationships with fellow employees are privileged and therefore must not be exploited for private advantage.

Employees or individual Councillors will not speak on behalf of the ‘Namgis Council or Administration without prior approval from the ‘Namgis Council.

Failure to comply with the ‘Code of Ethics’ will result in disciplinary action.

3.0 LEVELS OF EMPLOYMENT

The following are the employment classifications currently used throughout the ‘Namgis First Nation:

- Full Time Employees:** Employees who work 35 hours each week on a permanent basis. These employees accumulate seniority and are entitled to all benefits outlined in this policy manual.
- Full Time School Staff:** Employees who work full time at the school but do not always work the full year and their terms of employment might vary.
- Permanent Part Time Employees:** Employees who work a minimum of 20 hours per week on a permanent basis. These employees accumulate seniority and are entitled to all benefits on a prorated basis as outlined in this policy manual.
- Temporary Employees:** Employees who work a minimum of 20 hours per week with a specified termination date. After the three month probationary period, Temporary Employees may be entitled to the same prorated benefits as the Full Time Employees with the exception of the Pension and Extended Health Benefits. Vacation pay will be paid out on every cheque. It will not be accrued.
- Casual Employees:** Employees who are called in as relief or as required. Casual employees are eligible for statutory benefits only.
- Probationary Employees:** Refers to employees during their first three months of employment. During the first three months, only statutory benefits apply. The probationary period may be extended by the employer, but full ‘Namgis benefits will apply after the first three months.
- Trainees:** Trainees are only eligible for statutory benefits.

4.0 HIRING POLICIES & PROCEDURES

The ‘Namgis First Nation strives to hire the best qualified candidates available. Priority is given to qualified ‘Namgis First Nation members, followed by qualified non-Namgis aboriginals, then non-aboriginals.

Information gathered as part of the hiring process will be regarded as confidential and becomes part of the employee’s permanent record.

Misrepresentations and false statements of any kind on applications or in interviews may result in an immediate withdrawal of any offers of employment which has already commenced may be terminated without notice or any severance being paid. Each new employee will receive an orientation to their program, department and Band organization.

4.1 Hiring Competition

Notice of vacant positions will be suitably advertised. Such notices will refer to the job description, qualifications, salary range and closing date for the application.

The following is a step by step outline of the competition process:

- Position declared open (vacant)
- Job description reviewed, revised and classified if necessary.
- Advertising prepared.
- Applicants short-listed and references checked.
- Hiring Committee struck.
- Development of interview questions and hiring criteria.

4.2 Interview Process

The Hiring Committee will determine the selection criteria, rating system and the questions to be asked prior to conducting the interviews. Each candidate should be asked the same or similar questions and rated by the same criteria. Such selections will be based on the candidates’ demonstrated capabilities, qualifications, suitability and the requirements as outlined in the job description. Each short-listed candidate will be given a copy of the Personnel Policy at the time of the interview and informed that acceptance of these policies is a condition of employment.

4.3 Hiring Committee

The ‘Namgis Band Council reserves the right to determine the composition of the Hiring Committee. Potential Committee Members identified as having a ‘Conflict of Interest’ are disqualified from the hiring process. The hiring committee may consist of:

- A minimum of two (2) ‘Namgis Councillors (voting members)
- Namgis Administrator and/or Assistant Administrator (advisory members)
- Department Head and/or Supervisor (advisory members)

When required, alternates will be selected by the Chair of the Hiring Committee or designate.

Education staff hiring is the responsibility of the ‘Namgis Education Board Hiring Committee. The Principal acts in an advisory capacity.

4.4 Hiring Procedures

After interviews have been held and the best candidates selected:

- Successful candidate will be notified and a criminal record check requested.
- Unsuccessful short-listed candidates notified.
- Hiring letter (see Appendix A), and the appropriate Criminal Record Check Form sent to successful candidate. (Contact the payroll clerk to locate these documents.)
- Results reported to Council.
- Based on education and experience the department head will determine the appropriate step on the salary grid at which the employee will be paid

4.5 Orientation

All employees will receive an orientation.

4.6 Hiring Appeal Process

Any applicant who feels that the hiring policies and procedures were not followed may appeal the decision to the Personnel Manager in writing within five (5) working days of the decision. Upon receiving the appeal, the Personnel Manager shall respond to the appeal within five (5) working days. If the applicant disputes the Personnel Manager’s decision, further appeal should be made in writing to the ‘Namgis First Nation Council within five working days.

4.7 Criminal Record Checks

It is mandatory for successful applicants to undergo a Criminal Record Check. Criminal records will not necessarily affect an applicant’s eligibility for employment.

Criminal Record Checks will be reviewed by the Department Head and if required by the Personnel Manager. Those with criminal records for non-violent, property and drug related offences may be employed dependent on an evaluation using the following criteria:

- Nature of the offence
- Length of time since the offence
- Subsequent criminal convictions or knowledge of new offences
- Steps taken to make restitution and to undergo treatment/rehabilitation

Convictions for certain serious or violent offences will likely exclude an individual from employment, due primarily to the job requirements and the necessity of dealing with the public.

4.8 Medical Examinations

Applicants for certain positions may be required to undertake a physical and/or psychological evaluation. Should that evaluation indicate that the applicant is, or may be, unfit for the job being sought, that person’s application may be rejected or any offer of employment may be revoked without notice. If the applicant disagrees with the evaluation they may appeal the decision to the ‘Namgis First Nation Council and provide any medical or other information supporting the applicant’s position. In such case, the ‘Namgis First Nation Council’s decision shall be final.

5.0 CONDITIONS OF WORK

5.1 Confidentiality

All personal information relating to employees, patients, clients, or students must be kept strictly confidential and all staff shall hold in confidence and trust all such information except where legal requirements dictate otherwise. Breaches of confidentiality shall be dealt with according to disciplinary policies. Certain departments will require that staff sign confidentiality agreements.

5.2 Probationary Period

All new employees are subject to a minimum (3) month probationary period. During this period the employer or employee may decide to sever the employer/employee relationship without cause and with no severance or other remuneration or benefits being paid excepting those required pursuant to the Canada Labour Code. Non-statutory benefits are not available during the first three (3) months of probation. This period may be extended at the employer’s discretion by up to an additional nine (9) months to a total of 12 months. At the end of the probationary period, the immediate supervisor will complete a performance appraisal of the employee and place the employee on the appropriate step on the salary grid. If the appraisal is negative the supervisor may recommend termination to the Personnel Manager.

5.3 Hours Of Work

The standard work week is thirty-five (35) work hours per week (not including lunch break) except where the job description defines otherwise. A rest period of 15 minutes may be granted twice (2) daily. This rest period is scheduled by management and is a privilege and should not be abused.

Flex Time consists of regular hours of work scheduled outside of the regular work day to meet specialized program needs. This means that through a mutual agreement, work hours can be varied to meet the needs of the program and the employer. Flex Time must be approved by the supervisor. Flex time must be used within (2) two working days of it being accumulated or it will be lost.

5.4 Overtime

- **Except in cases of emergency all overtime must be pre-approved in advance by the immediate supervisor.**
- Overtime can only be claimed after the employee works more than 35 hours in one week
- Accumulated overtime should be used at the earliest date with the approval of the immediate supervisor.

- Overtime may not be carried over to the next fiscal year except in special cases authorized by the Personnel Manager.
- Employees who have requested training cannot accumulate overtime while they are travelling or attending that training.
- Overtime shall be compensated by time off and shall be calculated at time and one half. It will not be paid out.

5.5 Lateness

Chronic lateness will result in disciplinary action and deductions from salary or wages for time missed. Employees are expected to contact their supervisor as soon as possible if they are going to be late.

5.6 Power Outage Policy For Employees

- If the power is out at the time the workday begins, staff are still expected to report to work. While it is recognized that staff cannot undertake some functions during a power outage, staff are encouraged to remain productive and engage in activities such as filing, catching up on work-related reading, and other activities that do not require power.
- Staff are expected to remain at work in the event of a power outage unless directed otherwise by their Senior Department Head (i.e. T’lisalagi’lakw School Principal, Health Centre Administrator, Director of Community Development, etc.)
- If staff have been sent home but the power comes back on before 2:30pm, then staff are to return to work within 30 minutes of the power coming back on.
- T’lisalagi’lakw School staff should also refer to the T’lisalagi’lakw School Board policy in the event of a power outage.

5.7 Unapproved Absences From Work

Within the limits of the Canada Labour Code, the employer has the authority to establish the hours of work per week. Any unapproved absences from work within these established hours of work shall be subject to the following disciplinary measures:

- (a) For the first unapproved absence the employee shall receive a verbal warning;
- (b) For the second unapproved absence the employee shall receive a formal written warning.
- (c) For the third unapproved absence from work the employee shall receive a suspension from work without pay for five working days;
- (d) Any subsequent unapproved absences from work will result in immediate suspension from work pending a decision by ‘Namgis Council regarding the continued employment of the staff member.

An unapproved absence for three or more consecutive working days will result in termination of employment for just cause unless the absence is for medical reasons. This must be confirmed in writing by a qualified medical practitioner within fifteen (15) days of returning to work.

Employees are expected to contact their supervisor as soon as possible to explain unapproved absences and to complete the appropriate leave forms.

5.8 Attendance Record – Time Sheets

Employees are responsible for the correctness and completeness of all entries on their timesheets. Time sheets are to be completed and signed by the employee and their supervisor. Time sheets shall include work hours, sick time, vacation, overtime, and all other benefit time taken.

5.9 Notice For Resignations

A permanent employee voluntarily leaving the service of the employer is required to give a minimum of two weeks written notice of termination of employment. Where possible employees are encouraged to give more than two weeks notice. Employees voluntarily leaving their positions are required to submit a comprehensive report of their job duties including their current activities and projects to their supervisor.

5.10 Safety

‘N̄amgis wishes to maintain a safe working environment at all times. All injuries to employees must be reported immediately to the supervisor and the payroll clerk.

If required, a written report will be submitted to the Worker’s Compensation Board.

Employees are to report unsafe situations immediately to their supervisor and to the Health & Safety Committee.

The supervisor shall investigate immediately and report to the Health & Safety Committee on the action taken.

5.11 Media Relations

All media questions should be directed to the Nation’s Administrator. No other employee may make any statements to the media on behalf of the ‘N̄amgis First Nation.

No member of Council shall make statement to the media on behalf of Council without prior approval from the Council.

5.12 Conflict Of Interest

The object of this policy is to enhance the public confidence in the integrity of the ‘N̄amgis Council, Council committees, and staff by establishing clear rules of conduct respecting conflict of interest.

It shall be deemed a conflict of interest when a Council member, a committee member or staff member participates in making a decision that benefits or appears to benefit that member and/or his/her immediate family.

Therefore no member may involve her or himself in discussions and decisions that can be perceived to benefit themselves or their immediate family. Immediate family is defined as: father, mother, foster parent, brother, sister, spouse (including common-law spouse), child, stepchild, ward, father-in-law, mother-in-law, grandparents, grandparents-in-law, brother-in-law, sister-in-law, any relative or individual permanently residing in the household.

Where a conflict is identified by any party, the ‘N̄amgis Councillor, staff member or committee member must declare that they are in a conflict and excuse her/himself from the discussion and the decision making process.

5.13 Other Employment

‘Namgis assets are not to be used for other employment or for personal gain.

Staff are not to conduct personal business affairs during working hours. This includes activities conducted for personal gain.

When staff engage in other employment, it shall be clearly stated that they are not representing the ‘Namgis.

While receiving pay from the Namgis, any payment or remuneration that a staff member receives (i.e. Honoraria) from an external source for those same working hours shall be turned over to, and becomes the property of the ‘Namgis. Failure to do so will result in disciplinary action that shall include the deduction of wages.

6.0 FINANCIAL COMPENSATION ISSUES

6.1 Pay Equity

‘Namgis Council is committed to the principles of pay equity. These principles are as follows:

- Staff will be paid equal pay for work of equal or comparable value
- To establish equity, the job description will be the basis of the comparison between jobs
- Equity will be determined by measuring factors of education, skill, effort, responsibility and working conditions.
- Pay equity comparisons will be made between jobs within our organization, not between jobs within our organization and similar jobs in other industries or organizations
- A gender-neutral job comparison system will be used.
- An employee’s pay will not be lowered to achieve pay equity.

6.2 How Pay Equity Works

The value of a position is determined by evaluating the requirements of the position, as contained in the job description, against a set of criteria. The Classification Committee, which the Personnel Manager chairs, classifies each position using the criteria. Based on the number of points that the position is awarded, the position is placed on the appropriate level of the ‘Namgis salary grid. Copies of the grid are available from the accounting department.

6.3 Classification of Positions

Prior to hiring for new positions, management will submit each new position to the Classification Committee for evaluation and placement onto the salary grid.

From time to time existing positions will need to be reclassified for major changes in job requirements. These will be submitted on an “as required” basis by either management or an employee, and any subsequent adjustment in pay will be retroactive to the date of the submission.

All position classifications or reclassifications will be contingent upon budgetary constraints.

6.4 Classification Committee

The Classification Committee is a standing committee consisting of the Personnel Manager, Chair, and of at least two other Senior Department Heads.

6.5 External Equity

As well as striving for internal pay equity between positions, ‘Namgis also strives to pay competitive wages. At minimum, every five years the salary grid will be reviewed for reasonableness against the larger, external market to gauge external equity. Adjustments to the salary grid as the result of these reviews will be contingent on the availability of funds.

6.6 Cost of Living Adjustments (COLAs)

After the end of each fiscal year the Comptroller will review changes in the Consumer Price Index and other relevant measures to determine what a reasonable percentage increase in the overall salary grid should be. The operating results for the fiscal year will then be reviewed to determine if adequate funds exist to implement all, or a portion of, the increase. The Comptroller’s recommendation will then be forwarded to the Finance Committee and to Council, which will make the final decision.

6.7 Appeal Process

If a staff member feels that he/she is underpaid or that his/her position has not been placed at the appropriate level on the salary grid, they may appeal the placement of their position. They must give their appeal to the Personnel Manager in writing. Any subsequent adjustment in pay will be retroactive to the date of that written appeal. The Personnel Manager will then instruct the supervisor to submit a current job description that has been signed by the staff member who is appealing. The job description will then be re-evaluated by the Classification Committee. The staff member and supervisor will then be informed in writing as to the outcome of the appeal. If the staff member disagrees with the decision, he may follow the grievance process in Section 7.9. If a grievance committee is appointed, the Band Manager will direct a member of the Classification Committee to attend and instruct the grievance committee on the process and issues of the ‘Namgis classification system.

6.8 Wage & Salary Grid Issues

Salary will be based on the ‘Namgis’ Salary Grid. (Available from accounting.)

- Staff will be paid bi-weekly.
- The pay period covers the two weeks up to and including the Friday preceding the pay day.

6.9 Performance Appraisals

Performance appraisals are to be conducted at the following times:

- At the end of the employee’s probationary period.
- Annually, on or before the employee’s anniversary date.

Performance appraisals are to be done by the employee’s supervisor, using an approved Performance Evaluation form. Employee’s are to be rated on the merits of their performance as compared to their current job description.

A positive performance appraisal may result in the employee receiving a merit based salary increase, by moving up one step on the salary grid. Merit based increases are subject to adequate funding being available.

6.10 Job Descriptions

‘Namgis Council requires a Job Description for each position. Job Descriptions shall be reviewed and updated annually as part of the performance appraisal process. In addition, each employee has the right, at any time, to request a review of their Job Description if it is felt that the Job Description does not accurately reflect the work that is being done. This request must be submitted in writing. If the review results in a reclassification of the Job Description then the date of the request will be the effective date of any salary adjustment that is deemed to be necessary. All amended Job Descriptions must be forwarded to the Personnel Manager.

(See also Sections 6.3 to 6.8.)

6.11 Salary Advances

Salary advances will only be approved in **extreme emergencies**. For the purpose of this policy an emergency may be classified by the following example: a member of an employee’s **immediate family** has become **critically** ill and the employee wishes to travel in order to be in attendance at the family member’s bedside.

“Financial need” in and of itself does not qualify as sufficient grounds for a salary advance. In other words, personal budgeting issues will not be considered for salary advances.

The Senior Department Head must approve all salary advances before forwarding the request to the accounting department. It is the Senior Department Head’s responsibility to ensure that all requests meet policy requirements.

No salary advances may exceed the amount earned for the pay period in which the request for an advance is made.

Before processing salary advances, the accounting (payroll) clerk must refer the request to the Personnel Manager for final approval.

All employees are encouraged to seek alternative sources, i.e. banks and personal loans, to meet unplanned financial short-falls.

6.12 Severance Pay

All dismissals and pay considerations are subject to the Canada Labour Code.

6.13 Staff Travel

Approved travel off island is reimbursable at Council approved rates. Travel advances may be granted upon submission of an authorized Travel Claim form to the accounting department. Travel advance requests should be

submitted two (02) working days prior to travel. Upon returning, all receipts must be submitted within three (03) working days to the accounting department.

Use of ones personal vehicle on Cormorant Island may be covered by a monthly gas allowance.

6.14 Moving Expenses

Financial assistance to offset moving costs may be available. Moving costs will not be approved and paid retroactively.

- Financial assistance must be negotiated at the time of hiring – prior to moving.
- New employees will use the most economical and expeditious manner and route of moving.
- Three (03) estimates of moving costs must be provided prior to the move.
- Accommodation, meals and gas receipts are required for those expenses to be reimbursed as outlined above.

6.15 Outstanding Accounts

Employees with ‘Namgis accounts in arrears more than 60 days shall have the outstanding amounts deducted from payroll to a maximum of 20% of gross pay along with the regular monthly payment, until such time as the overdue amount is paid. Amounts owing to ‘Namgis may consist of things such as rent, garbage, moorage, etc.

6.16 NSF Cheque

The employer shall automatically deduct the amount of an NSF cheque within the next pay period plus a fee of \$15.00 per NSF cheque.

6.17 Professional Registrations

When a job description requires an employee to have and maintain a membership in a professional organization, it is the employee’s responsibility to pay for this membership.

7.0 DISCIPLINARY POLICY

Certain actions by employees during the course of their work may lead to disciplinary action. Causes leading to disciplinary action shall include, but are not limited to, abuse, assault, harassment, theft, improper conduct, breach of the ‘Namgis Code of Ethics, poor work performance and professional misconduct.

7.1 What is Progressive Discipline?

“Progressive discipline” is a series of increasingly serious steps taken by an employer which are designed to deter an employee from continuing to demonstrate unacceptable conduct or actions. These steps consist of verbal warnings, written warnings, suspensions and dismissal.

7.2 Why is Progressive Discipline Necessary?

If an employer does not discipline employees when required, the results can be:

- deterioration of services offered by the ‘Namgis First Nation
- deterioration of employee morale, or
- a legal obligation to provide notice of termination of employment, or compensation.

7.3 Verbal Warning (s)

A verbal warning is a reprimand from an employer to an employee about a work-related problem. A verbal warning will be conveyed to the staff member within five (5) working days of the employer learning of the incident or problem. Although this is a verbal warning, the employer will keep a written record of the warning. This will be placed in the employee’s personnel file.

7.4 Written Warning(s)

In the event that a verbal warning does not resolve the problem, a written reprimand will be given to the staff member. The reprimand will specify a time period during which the staff member will be expected to improve. At the end of the time period specified, the supervisor will review the progress of the staff member. A written warning is a written memo summarizing a formal conversation between a supervisor and an employee about a performance problem. The written reprimand should contain:

- the date of the conversation;
- details about the specific performance problem that occurred;
- a reference to any previous conversation about the problem;
- a statement of the specific change the employee is expected to make; and
- a statement that the letter constitutes disciplinary action and that further incidents will lead to more serious disciplinary measures (including termination, if appropriate).

The supervisor will sign the written reprimand, ensure that it is forwarded to the employee, and have a copy placed in the employee’s personnel file.

The written reprimand should be given to the employee as soon as possible after the conversation took place. Written warnings are appropriate for continuing problems where the employee has received verbal warning(s).

As a result of such a review, one of the following courses of action may be taken by the supervisor and conveyed to the staff member in writing:

- Recognition of positive change and no further action required.
- Suspend employee without pay.
- Require the employee as a condition of continued employment to seek and accept professional help.

7.5 Suspensions

A suspension is a period of time the employee is directed to be away from work, usually without pay. Suspensions may be given to an employee who continues unacceptable conduct subsequent to earlier warnings.

The length of the suspension will typically depend upon the seriousness of the misconduct. For example, an employee with three previous warnings about excessive absenteeism may receive a one-day suspension, while an employee who

has had one written warning for abusive language with a customer/client may receive a two-week suspension. All suspensions should be followed up with a written memo which contains the same type of information that would normally be in a written warning. There should also be a statement that the employee is suspended from work for a specified period.

7.6 Dismissal

If warnings and “progressive discipline” are unsuccessful in obtaining acceptable conduct, dismissal is likely the final result.

As noted earlier, some situations warrant immediate dismissal, even if the employee has had no previous incidents of misconduct. An example may be physical abuse of a client, or theft of Nāmgis property. The requirements for warnings and “progressive discipline” will vary depending on the unique factors of each situation.

NOTE: Any unapproved absences of three consecutive days shall be considered a resignation from employment. (See Section 5.6)

7.7 Just Cause for Dismissal

At any time an employee may be dismissed immediately with just and adequate cause. Just and adequate cause includes, but is not limited to:

- Gross insubordination
- Conduct considered by the employer to be contrary to the interests of the employer or the smooth and safe functioning of the Department.
- Breach of confidentiality.
- Assault.
- Theft.
- Sexual or other harassment.
- Breach of the ‘Nāmgis Code of Ethics.

7.8 Layoffs

All layoffs shall be in accordance with statutory requirements.

7.9 Grievances

Any employee may appeal or grieve decisions made by the employer including such things as disciplinary action or the application of other policies included in this manual. The following principles and process applies:

On a day to day basis, the responsibility to address problems with the employer, co-workers or supervisors lies primarily with each employee.

If the employee is unable to resolve an issue on a one to one basis, the employee may verbally appeal to the next level within the authority structure of her department within two working days.

If a satisfactory resolution cannot be found within two working days of verbally reporting it, the employee may appeal in writing to the Personnel Manager.

The Personnel Manager will investigate, assess and/or refer the issue in writing to the appropriate Board or authority within five working days. The aggrieved party will be notified in writing as to the status of the grievance.

If a satisfactory adjustment is still not made within five working days, the employee can take the issue back to the Personnel Manager for referral to a Grievance Committee. The Grievance Committee will render a decision within ten working days. The decision of the Grievance Committee will be final and binding.

7.10 Guidelines For A Grievance Committee

The Nation Administrator will select a Grievance Committee that is comprised of: one (01) Community Member; one (01) ‘Namgis Councillor; and one (01) Non-‘Namgis member. The Nation Administrator will act as a non-voting advisory member of the Committee.

Committee members will be fair, have no conflict of interest and guard confidentiality.

The Grievance Committee will hear the complaint and render a decision within ten (10) working days.

The complainant is entitled to have one representative to assist in/or speak on their behalf.

8.0 EXCESSIVE USE OF ALCOHOL OR DRUGS

‘Namgis Council recognizes that alcoholism or drug addiction are illnesses that can be treated .

‘Namgis Council’s concerns about substance abuse begins when the use of alcohol or drugs results in unsatisfactory work performance.

Employees who may have a substance abuse problem will be urged to seek counselling and treatment.

The decision to seek diagnosis or to undertake treatment for substance abuse is the responsibility of the employee.

Sick, vacation and unpaid leave may be granted for the purpose of treatment and rehabilitation but only within the existing ‘Namgis Council personnel policies and regulations.

Employees who bring their illness under control and whose work performance becomes satisfactory will be assured that their job security or promotion opportunities will not be jeopardized by their decision to seek treatment. However, they should be advised that they may expect no special privilege or exemptions from standard administrative practices.

Nothing in this policy is to be interpreted as constituting any waiver of management's responsibility to maintain discipline or the right to involve disciplinary measures in the case of misconduct which may result from or be associated with the use of alcohol or other substance abuse.

Supervisors have the primary responsibility of identifying employees with work performance problems related to substance abuse.

9.0 EMPLOYEE BENEFITS

All staff with the exception of temporary, casual, and probationary employees may access benefits available to all full time & permanent part-time employees. See Section 3.0, “Levels of Employment,” for a description of the benefits available.

9.1 Vacations

Vacation time is based on the fiscal year April 1st - March 31st. Vacation time will be pro-rated for the initial and final year of employment and for those years when a leave of absence is taken. Increases in vacation week entitlements will be prorated according to the employee’s hiring date.

Up to two (02) weeks of vacation time may be carried over to the next fiscal year with the approval of the Personnel Manager.

Employees who have worked 0-4 years, are entitled to three (03) calendar weeks of vacation plus statutory and ‘Namgis designated holidays.

With five (05) years of service, the employee is entitled to four (04) calendar weeks of vacation.

With eight (08) years of service, the employee is entitled to five (05) calendar weeks of vacation.

Where conflicting requests for time off are made, annual vacation periods shall be scheduled by the administration on the basis of seniority and organizational needs.

In order for employees to get a proper break and a rest, annual vacations must include a minimum of two (02) one week blocks per year. All vacation time must be used in full day increments - i.e. partial vacation days are not permitted.

An employee required to perform duties while on vacation shall be entitled to receive overtime at a rate of time and one half off.

When an employee goes on vacation, he/she is entitled to receive their vacation pay in advance for the days which he/she will be absent. The request for an advance must be made on the regular due date for timesheets (on the payday preceding the period for which the advance is required.)

Vacation time shall not be accumulated during a leave of absence without pay.

9.2 Statutory Holidays

Employees who are required to work on statutory holidays will be paid at time and a half.

All employees are entitled to a holiday at their regular rate for each of the following statutory holidays:

CHRISTMAS DAY	BOXING DAY	NEW YEARS DAY
REMEMBRANCE DAY	EASTER MONDAY	THANKSGIVING DAY
GOOD FRIDAY	CANADA DAY	LABOUR DAY
BC DAY	MAY/VICTORIA DAY	

If a statutory holiday falls on a regular day off, employees will be entitled to a working day off with pay.

9.3 ‘Namgis Designated Holidays

From time to time, the ‘Namgis may require certain employees to work on ‘Namgis designated holidays at the regular rate of pay.

9.4 Leave of Absence

All requests for Leave of Absence are to be submitted to the Senior Department Head.

For requests of up to four (04) weeks leave, one (01) week notice must be given.

For requests of four (04) weeks or more, thirty (30) days notice must be given.

Extended Leave of Absences (over three months) must be approved by the ‘Namgis Council/School or Health Board.

Continuing benefits during a Leave of Absence in excess of two (02) weeks may be arranged for at the Accounting Office.

Vacation time and years of service are not accrued during a Leave of Absence.

Employees who want their extended benefits to continue while on leave must pay the full extended benefits premium in advance.

The annual sick and vacation day allotments for staff members requesting leaves will be pro-rated for the actual time worked in the fiscal year in which the leave commences.

9.5 Illness (Paid Sick Leave)

Full time staff are entitled to one and a half days sick leave per month. Probationary employees will be retroactively credited with sick days for the first three (03) months of employment upon successful completion of probation. The annual sick leave entitlement will be credited to each employee on April 1st of each year.

A maximum of fifty-four (54) sick days may be accumulated.

Any illness which causes an employee to miss more than three (03) consecutive days of work must be verified in writing by a physician.

Sick leave while on vacation will not be granted.

Terminated employees lose all claim to accumulated sick leave.

Employees unable to work due to sickness must contact their supervisor at their earliest opportunity or paid sick leave may not be granted.

9.6 Family Leave

Leave with pay will be granted to an employee when it is absolutely necessary for the employee to be absent from work because of illness or crisis in the immediate family. Each employee shall be allowed a maximum of eight (08) days of family leave per year when there are no other family members able to manage the illness or crisis. Family leave cannot be used for babysitting/child care.

The Personnel Manager will be responsible for determining whether the absence is absolutely necessary.

Staff may also be eligible for EI Compassionate Care Leave as per current EI policies.

9.7 Definition of Immediate Family

For the purposes of all personnel policies, the immediate family is defined to include:

- father, mother, foster parent (s);
- brother, sister;
- spouse, including common-law spouse; child, stepchild, or ward of the employee;
- father-in-law, mother-in-law, grandparents and grandparents in-law, brother-in-law, sister-in-law;
- any relative permanently residing in the household.

9.8 Bereavement Leave

Leave with pay may be granted to an employee for up to five (05) days when there has been a death in the immediate family.

9.9 Maternity/Adoption/Parental Leave

Upon the birth of a child or upon legal adoption of a child into their family; staff are eligible for the following special benefits:

- (a) Two (2) weeks of paid maternity or paternity leave.
- (b) Two (2) weeks of paid sick leave (if they have those days available).

If both parents work for the ‘Namgis First Nation then these benefits may be split between them at their discretion. (4 weeks maximum paid leave in total).

Female employees may also elect to collect EI maternity benefits as per current EI policies.

Both female and male staff may elect to collect EI parental benefits as per current EI policies upon the birth or adoption of a child into their family. While staff are collecting EI benefits they will not be paid by ‘Namgis.

Male staff are also eligible for two (2) days off, with pay, for the birth of each child or upon the adoption of a child into their family.

9.10 Court Leave

Employees receive full pay when required to be absent from work when selected for jury duty or subpoenaed or summoned for proceedings in which the employee is not a party. Monies received as wages from the court or the party who has subpoenaed or summoned the employee shall be turned over to the ‘Namgis. (See Section 5.12) Personnel court appearances do not qualify as paid leaves.

9.11 Canning Day

One day paid leave per year will be provided to employees to preserve food.

9.12 Staff Development

The employer will encourage staff to develop professionally.

Travel time to and from a training event, if it occurs outside normal working hours will not be paid unless the training was required and pre-approved by the employer. Travel to, and from, the training event, unless directed by management, will not be considered overtime. Extended hours at workshops or meetings will not be paid.

A leave of absence, without pay, may be granted by the employer to any staff member who is planning to pursue studies directly related to his/her present position. Such leave must receive the prior approval of Council in order that provision may be made to retain the position for the employee to return to. Such leave should be reviewed after twelve (12) months by the Personnel Manager.

The ‘Namgis Education Board has a professional development committee to administer the professional development policies of the Education Board.

10.0 HARASSMENT, SEXUAL HARASSMENT and ABUSE POLICIES

According to the *Canada Labour Code*, the *Canadian Human Rights Act*, and the ‘*Namgis Code of Ethics*, all staff and clients have a right to work and access services in an environment that is free of harassment, sexual harassment, and abuse. Clients and staff who believe they have been harassed, sexually harassed or abused, have the right to act under Section 10.3 – “Complaint and Investigation Process”. This policy does not preclude a client from making a complaint to external agencies.

Harassment is a course of irritating or annoying comment or conduct that is known or ought reasonably be known to be unwelcome, that denies individual dignity and respect on the basis of the grounds such as; gender, disability, race, colour, sexual orientation, or other grounds prohibited by the applicable human rights laws.

Workplace harassment includes, but is not limited to the following examples:

- Unwelcome remarks, jokes, innuendoes or taunting about another’s body, attire, gender, disability, racial or ethnic background, sexual orientation, etc., which cause awkwardness or embarrassment.

- Displaying visuals of a sexual, racial or otherwise offensive nature such as pornographic pictures, poster, cartoons or simulation of body parts.
- Leering (suggestive staring) or other gestures.
- Unnecessary physical contact such as touching, patting or pinching.
- Unwanted sexual solicitation, physical contact or advances, particularly made with implied reprisals if rejected.
- Refusing to work or share facilities with another employee because of the other’s gender, disability, sexual orientation, racial, religious or ethnic background.
- Backlash or retaliation for the lodging of a complaint or participation in an investigation.

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature

- (a) that is likely to cause offence or humiliation to any employee;
- (b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

The ‘Namgis First Nation shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.

(Complaints of sexual harassment should be initiated according to the process outline in section 10.3.)

The employer will not disclose the name of the complainant or the circumstances related to the complaint to any person unless disclosure is necessary for the purposes of investigating the complaint or for taking disciplinary measures in relation to the complaint.

The employee has the right to make a complaint regarding sexual harassment under the Canadian Human Rights Act.

10.1 Assault And Client Abuse Policy

Assault is any wilful attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability to do so. Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm also constitutes an assault. An assault may be committed without actually touching, or striking, or doing bodily harm, to the person of another. Assault by staff or clients will not be tolerated and shall be subject to disciplinary action and/or action by the RCMP. Staff have a right to refuse service to clients where clients have been verbally abusive or have threatened assault or other violence.

10.2 Allegations Of Staff Misconduct

All allegations of wrongdoing by the employer, agent of the employer or employee, whether they be of breaches of this policy or otherwise, are to be forwarded to the senior Department Head, i.e. School Principal, Administrator of the Health Centre, Comptroller, Public Works Administrator etc., for investigation. Depending on the nature of the allegation the staff-member may be subject to suspension of duties with/ or without pay pending the outcome of the investigation.

10.3 Complaint And Investigation Process

In the event of an allegation of abuse, the complainant and/or the accused, have the right to include an advocate in any part of the process and the following practice shall be followed:

- In order for a formal investigation to be initiated, the complainant will be required to provide a written statement of the allegation to the Senior Department Head.
- The Senior Department head will inform the Personnel Manager of the complaint(s).
- If the allegation pertains to the Senior Department Head, the statement should be given to the Personnel Manager.
- The complainant shall be interviewed.
- The accused shall be interviewed.
- The Personnel Manager will determine if there are grounds for further investigation. If so, the accused may be suspended with or without pay pending the outcome of the investigation.
- Under certain circumstances, the Personnel Manager may be required to report the allegations to the appropriate external agencies or authorities.
- The Personnel Manager will advise the Nation Administrator of the outcome of the investigation and if required the Nation Administrator may refer the matter to Council along with a recommendation as to the final disposition of the complaint.
- If either the complainant or the respondent are not satisfied with the outcome they may appeal as per the Grievance Procedure.

11.0 COMPUTING POLICIES

11.1 Ownership

Computers and computing equipment are tools to assist staff in carrying out their duties. All computers used in the course of one's duties and the data stored in them are the property of the 'Namgis First Nation.

11.2 Software

Only software that has been installed or approved by the technical support department is to be loaded onto Band computers. This is to minimize the danger from virus attacks and to minimize demands on technical support staff due to software conflicts and problems arising from the use of unauthorized software.

11.3 Use

Computers that are for the use of staff are only to be used by staff. Children, relatives, or friends of staff members are not to use staff computers.

Computers that have been provided for use by students or the public are to be used in accordance with these policies and any other policies specific to the program that is overseeing their use.

People using the computers that have been made available for public use may have their usage privileges revoked if they breach these policies and/or the use policies specific to the program that is overseeing their use.

All use of computers including Internet access and the sending of emails must conform with the principles contained within the 'Namgis First Nation Code of Ethics.

Staff using the Internet inappropriately may have their Internet privileges revoked.

11.4 Email

Email correspondence is not private, nor confidential. Given the potential for liability to the ‘Namgis First Nation from correspondence originating from its employees, the ‘Namgis First Nation has the right to monitor email correspondence.

If written allegations or complaints are made about a staff member sending or displaying offensive (gross, rude, pornographic, etc.) emails, then the Nation’s Administrator and Personnel Manager will be informed. He/they may then authorize emails and other computer files of that staff member to be opened and reviewed to determine if the Nation’s policies have been breached. If material is found that breaches the criminal code, appropriate charges will be laid. Staff will be notified if their computer’s data is being searched. The confidentiality of all work related files will be maintained throughout the process.

APPENDIX A – ADDITIONAL POLICIES FOR ‘NAMGIS CHILD AND FAMILY SERVICES

1. Hiring Practices – Reference Checks And Confirmation Of Candidate’s Credentials

Reference checks will include confirmation that a candidate has the minimum years of experience specified in the job posting and job description. Applications that do not meet these minimum requirements will not be considered. Candidate’s educational credentials will also be confirmed.

2. Hiring Practices – Letter Of Expectation

A letter of expectation will be co-signed by the new employee and the ‘Namgis Health Centre Administrator. The letter will specify the requirements of the position (as per an attached job description), code of conduct, dual accountability, hours of work, policy on file confidentiality and security, policy on conflict of interest. The ‘Namgis Personnel Policy manual will be attached to the letter of expectation. The letter will be reviewed with the employee’s supervisor as part of the orientation process. (See Appendix B for sample letter of Expectation.)

3. Confidentiality

‘Namgis Child and Family Service staff members must sign a Confidentiality Agreement (See Appendix C,) which is consistent with the *Child, Family and Community Service Act* (CFCSA). Specifically, the Program Director, employees, [and ‘Namgis Health Centre Administrator and Board]:

- a) Will treat as confidential all information, within the meaning of section 73 of the CFCSA;
- b) Only disclose, or permit to be disclosed, information in accordance with applicable provincial legislation, including part 5 of the CFCSA; and
- c) Will comply with directions given by the ‘Namgis First Nation or the Director with respect to safeguarding or ensuring the confidentiality of information acquired respectively from the ‘Namgis First Nation or the Director.
- d) All Child and Family Services staff are bound by the conflict of interest policy contained in the ‘Namgis Financial Management Policies.

4. Dual Accountability

‘Namgis Child and Family Services social workers receive delegation under Section 92 of the *Child, Family and Community Service Act* (CFCSA) of the Province of British Columbia. As a result, the social workers have accountability to two primary entities. One is to the ‘Namgis First Nation, which has passed a Band Council Resolution to support the Child and Family Services agency as one of the programs operated by the ‘Namgis Health Centre which, in turn, reports to and is accountable to the ‘Namgis Council.

The other entity is the office of the Director, Child and Family Services designated by the Minister of Children and Family Development pursuant to section 91 of the CFCSA.

The Agency and its staff are also accountable to the ‘Namgis people for child and family service functions that are not delegated under the CFCSA, but form part of the service delivery model developed in consultation with the ‘Namgis people.

This Personnel policy confirms that delegated staff members are accountable to:

- The Child and Family Services Program Director and supervisory personnel with Delegated Authority, and have an employee/employer relationship with one another; and
- The Director who has responsibility to provide for the safety, best interest and well being of the children under the CFCSA and, as such, Delegated Staff will be subject to the direction of the Director with regard to their specific Delegated Authority consistent with the Aboriginal Operational and Practice Standards and Indicators, as may be amended from time to time.

5. Reporting Relationships

All job descriptions will state who the employee reports to. All employees will be given a copy of the organizational chart, which shows how the `Namgis Child and Family Services staff program manager reports to the `Namgis Health Centre Administrator who reports to the `Namgis First Nation Administrator.

6. Hours Of Work – After Hours Coverage

Child and Family Services social workers are expected to be on call in order to be available for emergency placements when police or Ministry of Child and Family Development (MCFD) social workers “take charge” of a child or youth outside normal hours of work. The scheduling of workers for after hours coverage will be arranged with the supervisor or program director.

7. ‘Namgis Cultural Context For Child And Family Services

In order to ensure that all `Namgis Child and Family Services staff members apply their practice skills, education and training within the context of the `Namgis culture, staff members will:

- Attend an orientation session at the U’Mista Cultural Centre
- Read materials on the `Namgis website concerning `Namgis history and traditions
- Attend, as invited, potlatches, feasts, and other cultural events
- Avail themselves of all other opportunities to understand the traditions and practices of various `Namgis families, particularly as they relate to the upbringing of children and youth.

The above activities will augment the “Core Training” and Level 12 training that social workers must have. “Core and Level 12 training is provided by the Caring for First Nations Children Society.

8. Staffing Plans

The `Namgis Child and Family Services agency is committed to developing a multi-year staffing plan that takes into account:

- projected staffing needs, per the service delivery model as amended from time to time
- projected staffing sources.

The `Namgis First Nation will continue to act in partnership with other organizations to ensure there is sufficient capacity to provide child and family services through qualified `Namgis or other First Nations social workers.

9. Personnel Files

All employee personnel files are to be secured in a locked filing cabinet. Access to Personnel Files is to be limited to the employee, the employee’s supervisor, or the `Namgis Health Centre Administrator. All information in employee personnel files is to be considered confidential.

The personnel file will include:

- employee’s job description
- employee’s co-signed letter of expectation

10. Conflict Of Interest Policy

Objective:

The objective of this policy is to protect the Band from any liability that may arise from conflict of interest and to enhance the public confidence in the integrity of the Council, Council Committees, and Staff by establishing clear rules of conduct respecting conflict of interest for all.

Conflict of interest:

For the purposes of this Policy, a Councillor, a Committee and Staff member have a conflict of interest when the member makes a decision or participates in making a decision that benefits or appears to benefit that member and/or their family.

Therefore:

No member may involve themselves in any discussions and decisions that can or be perceived to benefit them or their immediate family.

Immediate family is defined as follows:

- a) Father, mother, foster parent(s), brothers, sisters
- b) Spouse, including common-law spouse, child, stepchild, or ward
- c) Father-in-law, mother-in-law, grandparents, grandparents-in-law, brother-in-law, and sister-in-law
- d) Any relative or individual permanently residing in the household.

Where a conflict is identified, the Councillor, Staff member or Committee member must indicate that they may be perceived to be in a conflict of interest and excuse themselves from the discussion and decision making.

In the context of child and family services related to the Child, Family and Community Service Act, a conflict of interest also exists if a Councillor, a Committee or Staff member interferes, or is perceived to interfere with the practice of the social worker delegated under the Child, Family and Community Service Act. Delegated social workers and the Child and Family Service program manager must be assured of their autonomy in the planning, delivery and case management of child and family services under the Act. The interests of the community as a whole i.e. the safety of children, prevail over those of individuals or their families. (See also protocols involving the Child and Family Services Program, the Health Centre Board and the ‘Namgis Council)

APPENDIX B – ‘NAMGIS CHILD AND FAMILY SERVICES LETTER OF EXPECTATION

Dear _____:

Congratulations! The ‘Namgis Hiring Committee has selected you for the position of

As stated during the interview it is a condition of employment with the ‘Namgis that all employees pass a criminal record check through the R.C.M.P. You must also complete the attached “Direct Deposit Authorization” form and return it to Irene Speck, the Payroll Clerk in the accounting office. It is mandatory that staff be paid using the direct deposit system.

As well, employment by the Namgis requires you to read and adhere to all ‘Namgis Personnel Policies and abide by the ‘Namgis (and the Health Centre) Code of Ethics, which you will be required to read and sign. In addition you will be required to complete a probationary period of three (3) months.

As you are aware, your position involves an element of “Dual Accountability.” Dual Accountability refers to the two primary reporting relationships that the Agency (‘Namgis Child and Family Services) has by virtue of its workers receiving delegated authority under the CFCSA. One relationship stems from the governance model adopted by the Agency and its board, band or tribal council, which reflect the Agency’s role in the community. The other relates to the statutory requirements of the CFCSA, which hold the Agency accountable to the Director for the protection of children. Social workers with delegated authority are, therefore, accountable to the Director for performing the function for which they have delegation. The Agency’s policies and its workers’ practices need to reflect both levels of accountability.

The Agency and its staff are also accountable to the community for non-delegated functions that relate to child welfare, within the context of the overall governance model.

Your hours of work will be from _____ to _____. The position is at level #____ on the ‘Namgis Salary Grid. For the first three months you will be paid at step #____, namely \$_____ per hour, plus applicable benefits. After successful completion of your probationary period you will be moved to step #_____. Your salary will be reviewed annually as part of your performance review.

As agreed your first day of work will be _____.

Participation in the ‘Namgis Pension and Extended Benefits Plans following the three months is mandatory. Failure to complete and submit the appropriate forms within thirty days of the end of your probation will mean that you have to submit medical records as part of your application.

Welcome to the ‘Namgis Child and Family Services Program.

Respectfully,

I accept the terms and conditions as outlined above for the position of _____ and I have read and accept the terms and conditions of the ‘Namgis Personnel Policy,

Employee signature

Date

Encl. Job Description, Code of Ethics, Criminal Record Check Form, Personnel Policy Manual,
Direct Deposit Authorization Form

APPENDIX C – CONFIDENTIALITY AGREEMENT

AS BETWEEN:

'NAMGIS HEALTH CENTRE and 'NAMGIS FIRST NATION
P.O. Box 290, Alert Bay, BC V0N 1A0
 (“Namgis”)

OF THE FIRST PART

AND:

_____ of _____
 (“Employee”)

OF THE SECOND PART

The Employee herewith acknowledges that the confidentiality of:

1. patient information;
2. information relating to the number of persons, and their identities, who attend the Namgis Health Centre;
3. information relating to the funding received by the 'Namgis Health Centre, its administration and quality of the services it renders; and
4. information respecting personnel issues at the 'Namgis Health Centre, including discipline and levels of pay or other compensation

are of crucial importance to the 'Namgis and that the failure by the Employee not to respect this confidentiality will almost certainly result in:

1. a loss of confidence in the 'Namgis Health Centre within the membership of the 'Namgis First Nation and in the surrounding community serviced by the 'Namgis Health Centre;
2. a resistance by persons in need of medical or related services to attend at the 'Namgis Health Centre;
3. persons who have had their confidential information revealed being embarrassed, hurt and angered;
4. a risk of lawsuits being instituted against the 'Namgis;
5. at the very least an assessment or review by Health Canada or at worst cancellation of the 'Namgis Health Centre’s license to operate;
6. an acrimonious atmosphere within the 'Namgis Health Centre, both in terms of patients and staff;
7. reduced funding levels for needed services;
8. unsubstantiated or substantiated complaints being made by members of the 'Namgis First Nation or the general public resulting in a waste of administrative time and money;
9. a disruption of services required by patients of the 'Namgis Health Centre; and
10. a risk of a criminal or quasi-criminal investigation into the revealing confidential information causing disruption within the 'Namgis Health Centre.

For all of these reasons, the Employee herewith acknowledges the utmost important of maintaining the confidentiality of information acquired as a result of being an Employee at the 'Namgis Health Centre and agrees that it is a material term of the Employee's employment that they not divulge confidential information except:

1. in cases where the confidential information appears, on a reasonable basis, to indicate the commission or potential commission of a criminal or quasi-criminal act or physical or mental abuse or cruelty, including sexual or child abuse or child or spousal battering. IN THE CASE OF SUSPECTED CHILD SEXUAL OR PHYSICAL ABUSE OR NEGLECT, THE EMPLOYEE HAS A DUTY TO REPORT TO A DELEGATED CHILD WELFARE WORKER WITH THE MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT, PER THE REQUIREMENTS OF SECTION 14 OF THE *CHILD, FAMILY AND COMMUNITY SERVICE ACT*. In OTHER/those cases the Employee has the duty and responsibility to advise his or her supervisor of the circumstances of the case in order to determine what steps, if any, shall be taken. The Employee herewith agrees to have his or her name revealed if necessary;
2. in cases where the Employee is legally or professionally obliged to disclose the confidential information;
3. in cases where the patient has, in writing, specifically authorized the revealing of the confidential information:
 - (a) to the supervisor of the Employee;
 - (b) to the Court; or
 - (c) to persons in authority such as police officers, probation officers, Ministry OF CHILDREN AND FAMILY DEVELOPMENT representatives or other social workers, health care professionals or authorized representatives of the 'Namgis

without duress, undue influence, promises of gain, threats of punishment being utilized. In such cases the Employee will reveal only that information that is specifically authorized by the patient.

None of the confidential information acquired by the Employee during the course of their employment by the 'Namgis, or as a result of that employment, shall be communicated or divulged to any other person in any form or manner except as set forth above.

Due to the importance of the maintenance of confidentiality by the Employee for the reasons stated herein the Employee herewith acknowledges and agrees:

1. that a breach of the terms of this Agreement by the Employee will, unless the 'Namgis otherwise agree, result in immediate dismissal for just cause without notice or warning;
2. that the Employee shall be liable for all costs, including full legal and accounting costs, incurred by the 'Namgis as a result of the breach of this Agreement by the Employee. Should the Employee fail to pay those costs within fourteen (14) days of receiving an invoice from the 'Namgis the 'Namgis shall have the right to institute legal proceedings seeking recovery of those amounts and any additional sums incurred by the 'Namgis. If legal proceedings are required to be taken the Employee agrees to pay the costs of the 'Namgis on a solicitor and own client basis;

3. that if the Employee continues to breach this Agreement the 'Namgis may institute legal proceedings seeking injunctive relief preventing the Employee from further breaching the terms of this Agreement. Should this occur the Employee will be liable to the 'Namgis for the full costs of instituting such proceedings on a solicitor and own client basis;
4. that if the Employee breaches this Agreement and a claim, or claims, is or are made against the 'Namgis resulting from the Employee failing to maintain confidentiality as required the Employee shall fully indemnify the 'Namgis for all costs, including a damage award, incurred by the 'Namgis. Such costs shall include, but not be limited to, full legal, accounting, expert and administrative costs paid or payable by the 'Namgis.

The Employee acknowledges that:

1. the 'Namgis have strongly advised the Employee to obtain independent legal advice with respect to the nature and extent of this Agreement.
2. he/she have read and understood the terms of this Agreement;
3. this Agreement has not been signed under duress nor has the Employee been made any promises, nor been threatened in any way, in furtherance of the Employee executing this Agreement;
4. there is no other agreement, written or oral, with the 'Namgis which would alter, modify, or amend, nor be contrary to, the terms of this Agreement;
5. no representations have been made which would contradict, alter, modify or amend this Agreement.

Executed by the Employee at _____ the _____ day of _____,
2004.

Witness (Print Name)

Employee (Print Name)

Witness Signature

Employee Signature

Address

Executed by an authorized representative of the 'Namgis at _____, the _____ day
of _____, 2004.

Witness (Print Name)

Print Name

Witness Signature

Signature

Address

APPENDIX D – STANDARD HIRING LETTER

<<DATE>>

<<NEW HIREE NAME>>
<<ADDRESS>>

Dear <<NAME>>:

Congratulations! The 'Namgis Hiring Committee has selected you for the position of <<POSITION NAME>>.

As stated during the interview it is a condition of employment with the Namgis that all employees pass a criminal record check through the R.C.M.P. You must also complete the attached "Direct Deposit Authorization" form and return it to Irene Speck, the Payroll Clerk in the accounting office. It is mandatory that staff be paid using the direct deposit system.

As well, employment by the Namgis requires you to read and adhere to all Namgis Personnel Policies and abide by the Namgis (and the Health Centre) Code of Ethics, which you will be required to read and sign. In addition you will be required to complete a probationary period of three (3) months.

The position is at level << # >> on the Namgis Salary Grid. For the first three months you will be paid at step << # >>, namely << \$# >> per hour, plus applicable benefits. After successful completion of your probationary period you will be moved to step << # >>. Your salary will be reviewed annually as part of your performance review.

As agreed your first day of work will be <<DATE>>.

Participation in the Namgis Pension and Extended Benefits Plans following the three months is mandatory. Failure to complete and submit the appropriate forms within thirty days of the end of your probation will mean that you have to submit medical records as part of your application.

Welcome to the <<'Namgis Health Centre/Administration/School/Etc>>.

Respectfully,

<<Department Head Name>>,
<< Department>>

I accept the terms and conditions as outlined above for the position of <<POSITION NAME>> and I have read and accept the terms and conditions of the 'Namgis Personnel Policy,

Employee signature

Date

Encl. Job Description, Code of Ethics, Criminal Record Check Form, Personnel Policy Manual,
Direct Deposit Authorization Form