

Personnel Policy No. 6 - Employee Conduct

6.1 CODE OF CONDUCT

All Tribal employees are expected to conduct themselves in a professional manner. Employees are expected to treat Tribal members, clients, and other staff members courteously and to work as a team for the benefit of the Yurok Tribe.

The following rules are necessary and reasonable for the proper conduct of Tribal work. Conduct that is unsafe, inconsiderate, or illegal will not be permitted. Failure to adhere to these standards may result in disciplinary action, ranging from verbal or written warnings to termination of employment.

6.1.1 Attendance and Punctuality

All employees are expected to report to their work site at their scheduled work time. Absences and tardiness are considered in performance evaluations. Excessive absences or tardiness jeopardize continued employment and will result in disciplinary action.

If it is necessary to be late or absent from work because of illness or emergency, each employee must notify their Supervisor at the beginning of the work day to be missed, as soon as possible. In any event, no later than one-half (1/2) hour after the employees scheduled work time. In an emergency circumstance, the employee must notify their Supervisor as soon as possible.

If an employee fails to notify their Supervisor within the guidelines above, disciplinary action may be taken up to and including termination of employment.

6.1.2 Smoking

Smoking is prohibited in all locations on company property except those specifically designated as smoking areas. For purposes of this policy, "company property" includes all Tribal property and facilities, including tribally owned vehicles.

6.1.3 Personal Appearance

Moderation and good taste in dress and grooming are required when conducting tribal business. Supervisors are responsible for insuring employees dress appropriately.

a. General Rule for All Employees:

1. Acceptable:

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- All employees are to maintain a well-groomed and clean appearance. Employees are required to dress in accordance with their job task. Employees dress should be appropriate.
- Clothing must be wrinkle free
- Clothing that has the company logo is encouraged
- Sports team, university, and fashion brand names on clothing are generally acceptable.
- Hair, beard, and mustache shall be neatly groomed.
- An employee must cover tattoos that are offensive or suggestive. Management reserves the right to advise on suitability of visible tattoos.
- Personal hygiene is an essential part of good grooming. Employees will practice acceptable oral and personal hygiene consistent with generally accepted social practices.

2. Unacceptable:

- Clothing that reveals too much cleavage, back, chest, stomach or underwear is not appropriate for a place of business, even in a business casual setting.
- Any clothing that has words, terms, or pictures that may be reasonably offensive to other employees is unacceptable.
- Torn, dirty or frayed clothing is unacceptable.
- Clothing that works well for the beach, dance clubs, exercise sessions, and sports contests is not appropriate for a professional appearance at work.

b. If clothing or hygiene fails to meet these standards, as determined by the employee's supervisor, it will result in disciplinary action, up to and including termination.

6.1.4 Personal Business

The Yurok Tribe recognizes that personal business may need to be conducted during scheduled work hours. We ask however, that employees attempt to conduct personal business outside their scheduled work time. If an employee must leave the premises for any reason, they must obtain permission from their Supervisor prior to departing.

6.1.5 Personal Relationships in the Work Place

The Yurok Tribe believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under

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this policy due to their status as role models, their access to sensitive information, and their ability to affect the terms and conditions of employment of individuals in subordinate positions.

- a. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Yurok Tribe premises or while representing the Yurok Tribe, whether during working hours or not.
- b. When a conflict-of-interest problem or potential risk is identified, the Executive Director will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or act for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer to other positions or departments or rescinding of an employment contract.

6.1.6 Children in the Work Place

- a. The Tribe recognizes that child care is not always available to employees with children. Children of employees shall be allowed in the tribal offices during working hours on a limited, emergency, case-by-case basis. The employee must receive permission from their Supervisor and Department Director, in writing, in advance.
- b. The employee will provide line of sight supervision of the child at all times while they are present in the tribal office. Children will not be left alone at any time or left with other employees. The employee will be responsible to keep their child from all disruptive behavior and the employee will be responsible to clean up after their child. Employees must ensure that work health and safety laws are followed at all times when bringing children into the workplace.
- c. All complaints from other employees will be to the employee's supervisor. At no time will the child be allowed to disrupt the work of other employees at the work site.

6.1.7 Infants in the Work Place

- a. The Tribe also offers an Infant-at-work-program. The program is a voluntary option for employees, subject to approval, where it is compatible with job requirements. The Infant-at-work Program allows the new parents to bring their infant to work with them until the infant is up to 180/365 days old to positions and work sites that have been approved as infant safe (subject to the specific job responsibilities of the parent and subject to ensuring the physical safety of the infant).

1. 0-6 months (180 days) will be approved by the Supervisor for positions that

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- have been approved for the program and work sites that are considered safe.
2. 6-12 months (180 to 365 days) may be approved by the Supervisor. The ability to continue to bring the infant up to 12 months can be approved by the Supervisor but will be based on a review that includes the employee's job performance, no co-worker complaints, the infant's mobility and safety risk.
 3. If it is determined that the infant is ineligible to stay beyond the 6 months the parent, if eligible, may request a leave of absence.
- b. Regular full-time and part-time parent employees are eligible to participate in the program. Employees who have not completed their introductory period are not eligible to participate.
 - c. Infants – Infants of part-time and full-time regular employees up to the age of 180/365 days old are eligible for the program, subject to the provisions of this policy.
 - d. Before any infant is brought into the workplace, a meeting must take place between the parent and supervisor. Both parties must review, discuss, and approve the following:
 1. Written approval must be obtained from the employee supervisor and department director and Waiver forms must be signed.
 2. The parent may not leave the building without taking the infant with them.
 3. The parent will accept complete responsibility for the safety of the infant.
 4. A sick infant should not be brought to work. If the infant becomes sick during the day, the infant must be taken home by the parent. Employee shall be required to use their leave time for missed work.
 5. The parent must provide all supplies and equipment needed to care for the infant at the work site.
 6. The parent must ensure the area is kept in a clean and sanitary condition.
 7. Diapers must be changed only in a designated restroom and not in work areas. Used disposable diapers must be wrapped appropriately and discarded in an appropriate container provided by the parent and placed in an area not used by staff for office or meeting space.
 8. All supplies utilized by the parent must be maintained in a manner that is not disruptive to the work of other employees.
 9. Parents must have infant care or other arrangements in place by the time their baby is 180 days old (or 365 if allowed).
 10. There may be work circumstances that require a parent's full attention. Parents are expected to work closely with their supervisor and coworkers to ensure that all parties involved are aware of what duties can and cannot be reassigned and parents are expected to make alternate child care arrangements when required to do so.
 11. If the infant is fussy for a prolonged period of time, causing a distraction in the workplace, or preventing the parent from accomplishing required work, the parent shall remove the infant from the workplace. Employee shall be

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required to use their leave time for missed work.

- e. All complaints must be made directly to the parent's immediate supervisor or department manager. The program may be terminated when complaints are made that cannot be resolved. The employee, supervisor, and department director will resolve all complaints.
- f. In order for an infant-at-work program to be effective, all parties need to be sensitive to the needs of others. The employee must maintain acceptable work performance and ensure that the presence of the infant does not create any office disturbances. If problems arise that cannot be resolved, the employee understands that the program may be terminated for that employee.

6.1.8 Telephone Usage

All personal telephone and personal cell phone calls will be kept to an **absolute minimum**. Employees can use their personal cell phones during breaks or at lunch hour. The Tribe does not accept collect phone calls. Abuse of telephone privileges, including company cell phones, will require repayment by the employee (if applicable), and will result in disciplinary action, up to and including termination of employment. Supervisors are responsible to insure employee adhere to this policy.

- a. Despite their benefits, personal cell phones may cause problems in the workplace. Employees who use their cell phones excessively may:
 - 1. Get distracted from their work.
 - 2. Disturb co-workers by speaking on their phones.
 - 3. Cause security issues from inappropriate use of company-issued equipment or misuse of the Yurok Tribe's internet connection.
- b. The Yurok Tribe expects employees to use their cell phones prudently during working hours. We expect our employees to:
 - 1. Use company-issued phones for business purposes only and preserve them in perfect condition.
 - 2. Surf the internet, text and talk on the phone only for a few minutes per day.
 - 3. Turn off or silence their phones when asked.
 - 4. To make brief personal calls away from the working space of colleagues.
- c. We won't allow employees to:
 - 1. Play games on their cell phone during working hours.
 - 2. Use their cell phone's camera or microphone to record confidential information or take photographs without affirmative consent.

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3. Use their phones in areas where cell use will violate privacy or confidentiality.
4. Speak on their phones within earshot of co-workers working space during working hours.
5. Download or upload inappropriate, illegal, or obscene material on a cell phone using the Yurok Tribe internet connection.

6.1.9 Misconduct

As explained previously, the Yurok Tribe employment relationship is “at will.” However, we would like you to be aware of some specific examples of misconduct that will not be tolerated, such as:

- a. Theft, regardless of the amount, from the Tribe, a client of the Tribe, a co-worker, or any agent of the Tribe;
- b. Falsifying records (including time sheets and/or employment application);
- c. Habitual absences and/or tardiness;
- d. Sleeping or otherwise loafing during work time;
- e. Insubordination; that is, the purposeful failure to obey the reasonable request or directive of a Supervisor;
- f. Disorderly conduct, including mistreatment of other employees, Tribal members or clients;
- g. Willful destruction or waste of Tribal property or materials;
- h. Neglect or mishandling of Tribal property or supplies;
- i. Unauthorized access to confidential information;
- j. Use or possession of a controlled substance or alcohol on Tribal property and/or during the workday (see Drug-Free and Alcohol-Free Workplace Policy
- k. Reporting to work under the influence of a controlled substance or alcohol;
- l. Divulging proprietary or confidential information to employees or other individuals or entities not authorized to receive the information;
- m. Sexual, racial, ethnic, religious, disability, age, gender, or other unlawful discrimination, retaliation, bullying, harassment or intimidation of any kind;
- n. Violating any safety, health, security or other tribal rules; or
- o. Failure to follow the established procedures provided for resolving problems arising out of the employer-employee relationship.
- p. Misusing information obtained as a Yurok employee to harm the Tribe and its business or to benefit one’s self.

6.2 CONFIDENTIALITY

6.2.1 Confidential Information

In the course of their duties, employees are likely to come into contact with **confidential information** that is not made available to anyone other than certain tribal employees with a specific need to know. This information includes, but is not limited to:

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- Personnel information;
- Client Information;
- Tribal membership lists and other information regarding Tribal members;
- Business plans;
- Financial Data;
- Cultural resource data;
- Information on project bids or grants;
- Future plans and proposals; and
- Other matters of a confidential nature.

Each employee, as a condition of employment, shall maintain this information in the strictest of confidence, both during and after the person's employment with the Tribe.

Breaches of confidentiality cannot, and will not, be tolerated. Discussion of confidential information with any person absent a legitimate business need is strictly prohibited and will result in disciplinary action up to and including termination.

6.3 REQUEST FOR INFORMATION

- a. Employees are to direct all requests for information from any source to the appropriate individual as shown below:

Requests regarding information about:	Should be Directed to:
Verification of/or eligibility for membership in the Tribe	Enrollment Director
Yurok Employees (current or past)	Human Resource Director
Employment or Payroll Verification	Finance Director
Recruitment or interviews for specific positions	Human Resource Director
Persons Eligible to receive services	Appropriate Director
Tribal information in general	Executive Director or Chairperson

- b. No one is authorized to disclose any information to an outside source (including the news media) unless explicitly authorized to do so in writing by the Chairperson, Executive Director or Newsletter Editor.
- 1) Media Requests: If a representative of the media approaches an employee, they shall refer the request immediately to Public Relations to obtain approval from the Chairperson or Executive Director.
 - 2) Public Requests: Employees asked by an outside agency or organization to appear on behalf of the Tribe, or to speak about Tribal programs as a guest speaker or

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program participant, must have prior approval by the Chairperson or Executive Director.

6.4 NON-HARASSMENT POLICY

The Yurok Constitution states, “we adopt this Constitution in order to: insure peace, harmony and protection of individual human rights among our members and among others who may come within the jurisdiction of our tribal government”. Based on this, it is the policy of the Yurok Tribe to promote a productive work environment. The Yurok Tribe will not-tolerate interpersonal violence or harassment, including verbal or physical conduct by any employee that harasses, disrupts, or interferes with another’s work performance or that creates an intimidating, offensive, or hostile environment.

- a. Employees are expected to maintain a productive work environment that is free from violent, harassing or disruptive activity. No form of interpersonal violence or harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status, sexual orientation, gender, or sex. Special attention should be paid to the prohibition of sexual harassment.
- b. No one has the authority to engage in unlawful interpersonal violence or harassment, and any individual who interacts with a Tribal employee in this way is acting beyond the scope of any authority they may have from the Tribe.
- c. Any employee who believes they have been harassed by a co-worker, Supervisor, Tribal member or client should immediately report the incident to their Supervisor, the Human Resource Director, or the Executive Director.
- d. Each supervisor and manager has a responsibility to keep the work place free of any form of interpersonal violence and harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee’s refusal or willingness to submit to sexual advances will affect the employee’s terms or conditions of employment.
- e. Other sexually harassing, violent or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. This conduct includes:
 1. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions.
 2. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references.
 3. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual.

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4. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs.
5. Demeaning, insulting, intimidating, or sexual suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and internet materials).

Any of the above conduct, interpersonal violence, or other offensive conduct, directed at individuals because of their race, sex, national origin, religion, disability, pregnancy, age, or military status is also prohibited.

- f. Any employee who believes that a Supervisor's, Department Director's, manager's, other employee's, or non-employee's actions or words constitute interpersonal violence or unwelcomed harassment to themselves or others, has a responsibility to report the situation as soon as possible. The report or complaint should be made to the employee's supervisor or the department director. The reporting employee and/or impacted victim may request a workplace accommodation to memorialize any reasonable accommodations granted while their report is being investigated.
- g. All directors and supervisors must immediately report any incident of bullying or harassment of which they are advised, or which they may observe, to the Human Resource Director or Executive Director. Any manager or Supervisor aware of a complaint of harassment who fails to act will be subject to disciplinary action, up to and including termination.
- h. All bullying or harassment complaints will be investigated in accordance with established Tribal policy (please see Investigation Guide). Violations of the Tribe's policy against harassment and interpersonal violence will not be tolerated, and will result in disciplinary action up to and including termination.
- g. Likewise, no employee shall be subjected to retaliation or adverse treatment of any nature because they report interpersonal violence, report harassment, or participates in an investigation of allegations under this policy.

6.5 WORKPLACE BULLYING

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the Yurok Tribe will not tolerate any instances of bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

The Yurok Tribe defines bullying as health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes, but is not necessarily limited to:

- Threatening, humiliating, ridiculing, mocking, or intimidating behaviors

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- Work interference/sabotage that prevents work from getting done
- Verbal abuse
- Offensive objects or pictures

Such behavior violates this policy, which clearly states that all employees are expected to conduct themselves in a professional manner.

The Yurok Tribe considers the following types of behavior examples of bullying:

- **Verbal bullying.** Slandering, ridiculing or maligning a person or their family; persistent name-calling that is hurtful, insulting or humiliating; using a person as an object of derision or subject of jokes; abusive and offensive remarks.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, and damage to a person's work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening or prohibited messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express themselves (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating them from work-related activities, such as meetings.

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- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the Yurok Tribe to take appropriate action.