



Boundary Volunteer Ambulance, Inc. Personnel Policy Manual

Effective Date:

Boundary Volunteer Ambulance PERSONNEL POLICY MANUAL

The Governing Board of Boundary Volunteer Ambulance, Inc. (BVA) is the Board of Directors who are elected community members of Boundary County, Idaho. This Personnel Policy Manual shall be applied uniquely to Boundary Volunteer Ambulance volunteers and employees.

PURPOSE

The purpose of this Personnel Policy Manual is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all BVA employees and volunteers. **THIS PERSONNEL POLICY MANUAL IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS PERSONNEL POLICY MANUAL CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF BVA.** BVA may, at its sole discretion, alter or amend this Personnel Policy Manual or portions thereof at any time without prior notice to or consent by its employees. Changes may be made in the sole discretion of the Governing Board.

NATURE OF EMPLOYMENT

ALL EMPLOYEES AND VOLUNTERS OF BVA ARE EMPLOYED AT THE DISCRETION OF THE GOVERNING BOARD AND CHIEF AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE GOVERNING BOARD. All provisions of this Personnel Policy Manual shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistencies; the terms of this paragraph shall prevail. **Except as otherwise provided herein or as required by law, employees of BVA are AT-WILL employees. Only a written contract expressly authorized by the Governing Board can alter the AT-WILL nature of employment by BVA.**

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I. GENERAL POLICIES

A. THE ORGANIZATION IN WHICH YOU WORK

The terms set forth herein reflect BVA policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the governing board.

The governing board has authority to establish general and administrative policy for BVA employees. Each employee should recognize that although he/she may serve as an employee supervised by the Chief of BVA, he/she remains an employee BVA, not of the official who supervises his/her work. The terms and conditions set forth in this Personnel Policy Manual, and in the resolutions and policy statements which support it, cannot be superseded by any other official's pledge, without the express action of the governing board. That is particularly true for terms or conditions which would establish a financial obligation for BVA, now or in the future. In addition, BVA has Administrative Policies that provide additional direction to employees on expectations and procedures unique to BVA.

B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of BVA employees and all employment decisions, including classification, transfer, discipline, and discharge will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age (40 and over) is a bona fide occupational qualification. All objections to the application of BVA policy in this regard shall be brought to the attention of the governing board, or in the case of objection to actions undertaken by that person(s), to the attorneys for BVA.

C. CONFLICT OF INTEREST

No person shall be employed by BVA when said employment would result in a violation of provisions found in Idaho Code 59-701 et seq., 18-1359 or their successors. Any such appointment may be void. An employee whose relative is subsequently elected may be eligible to retain his/her position as allowed in Idaho Code 18-1359(5).

D. PERSONNEL POLICY SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

The rules contained in this Personnel Policy Manual are subject to change, without prior notice, at any time in the sole discretion of the governing board.

II. EMPLOYMENT START-UP

A. EMPLOYMENT FORMS TO BE COMPLETED

The following pre-employment forms must be completed before the employee may begin work for BVA:

1. Employment application form.
2. New Hire Sheet signed by the Chief of BVA, and the governing board.
3. Pre-employment drug screen.

Other forms must be completed after the employee begins work but before the employee receives pay and benefits. The employee will receive these forms during new employee orientation.

B. PAYROLL REPORTING SYSTEMS

Reports of hours worked and time off the job must be completed in a timely manner. Each report of an employee's time should be signed by both the supervisor and by the employee. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. should communicate such concerns to the BVA chief. If the response is unsatisfactory, the employee should address the issue to BVA Board of Directors in order to resolve stated concerns.

C. DISTRIBUTION OF PERSONNEL POLICY MANUAL

At the time of employment, each employee should receive a copy of this Personnel Policy Manual. It is the responsibility of the employee to familiarize him/herself with the contents of this Personnel Policy Manual and to acknowledge its receipt in writing. Periodic updates or changes should be distributed and acknowledged.

D. EMPLOYEE PERSONNEL FILES

1. Personnel Records

The official employee records for BVA will be kept in the office. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with BVA. The governing board, the Chief of BVA, or the employee him/herself may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his/her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files should not be removed from the premises except as necessary for BVA purposes and the approval of BVA chief.

2. Access to Personnel Files

It is the policy of BVA to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the Chief of BVA, the employee's supervisor, the governing board when acting as a body in the course of its official business, the attorneys for BVA, and the employee him/herself. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with Authorization of the supervising official after consultation with the attorneys for BVA. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by the attorneys for BVA or pursuant to Court order, or pursuant to a proper subpoena. BVA reserves the right to disclose the contents of personnel files to outside state or federal agencies, to its insurance carrier, or when necessary to defend itself against allegations of unlawful conduct.

3. Management of Information in Personnel Files

Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time. This is to be done by filing a written objection and explanation which will be included in the file along with the objectionable material. In the sole judgment of the supervising official for BVA, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history.

III. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is not all inclusive and other **acts** of misconduct not specifically set out below may be grounds for disciplinary action **as well**. **Among these rules, the most important is the rule addressing attitude and cooperative behavior.**

A. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of BVA is expected to conduct him/herself in a manner that is helpful and productive and which does not reflect adversely upon BVA. Each employee must recognize that BVA employees are subject to additional public scrutiny in their public and personal lives because the non-profit business requires the utmost integrity and care. In order to accomplish the goals of BVA as a 501(c)(3), each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon BVA and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. Shall work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity. This is the first priority for all employees.

2. Shall be prompt and regular in attendance at work or other required functions.
3. Shall comply with dress standards established by BVA. Dress standards shall be set by the managing official, but in the absence of any dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public.
4. Each employee must notify the Chief of BVA of any other employment, self-employment or other business interests. Secondary employment should not conflict with duties performed for BVA in any meaningful way.
5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in BVA and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. 18-1356 (accepting gifts that exceed a value of \$50), I.C. 59-701 et seq. (Ethics in Government Act), I.C. 59-201 (Prohibitions Against Contracts) and I.C. 18-1359 (Using Public Position for Personal Gain).
6. Shall not accept gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking favor from the employee or official.
7. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
8. Shall not release any public record without the approval of the BVA Chief and/or BVA Board of Directors.
9. Shall not release any personnel record without the approval of the BVA Chief or BVA Board of Directors.
10. Shall not engage in conduct away from work which, although not criminal, may reflect adversely upon BVA or its officials or otherwise impair the employee's ability to perform.

11. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of the BVA work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication upon the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take sick leave while taking the medication.
12. Shall not engage in conduct while operating a motor vehicle or equipment which impairs the ability of the employee to perform job functions even though the driving conduct does not occur during hours of employment.
13. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the governing board or BVA.

B. WORKPLACE CONDUCT

Each employee will be expected to conduct him/herself in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of BVA employees. Each employee of BVA:

1. Shall give his/her best efforts to accomplish the work of BVA for public benefit in accordance with policies and procedures adopted by BVA displaying an attitude of cooperation and constructive participation.
2. Shall be subject to the administrative authority of the officials of BVA even though the officials may not have been involved in the hiring of the employee.
3. Shall adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. Shall follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
5. Shall abide by all BVA rules whether they be written or issued orally by the supervisor or the Chief of BVA. No employee shall be required to follow the directive of a supervisor which violates laws of any local, state, or national jurisdiction.
6. Shall abide by pertinent state and federal statutes, and BVA rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public

official belongs with the Chief of BVA. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the Chief of BVA.

7. Shall adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
8. Shall follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
9. Shall follow the rules regarding notifying the employee's supervisor of the employee's location when not at his/her assigned station or on an assigned call.
10. Shall follow rules requiring the employee to be in communication by radio and cell phone at all times while on duty.
11. Shall report all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
12. Shall report any accidents observed to have happened on BVA property or involving BVA property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.
13. Shall follow all rules regarding safety in the workplace whether established formally by BVA or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
14. Shall maintain a current driver's license when necessary in the conduct of work for BVA. Each employee must report any state-imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired.

15. Shall perform such obligations as are necessary to carry out the work of BVA in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.
16. Shall respond without delay to all dispatched calls, including non-emergency transports and non-emergency requests for public assistance.

C. PROHIBITED WORKPIACE CONDUCT

Employees of BVA:

1. Shall not be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.
2. Shall not engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech.
3. Shall not sleep or be absent from the employee's work station when on duty except as approved by the supervisor. Employees shall be attentive to their work at all times.
4. Shall not engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
5. Shall not use work time for personal business, including the selling of goods or services to the general public. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees.
6. Shall not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
7. Shall not engage in political activities while on duty in public service. This rule shall not apply to elected officials.
8. Shall not provide false or misleading information on employment applications, job performance reports, or any other personnel documents or papers.
9. Shall not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official records of BVA.

10. Shall not discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
11. Shall not smoke except in designated outdoor smoking areas.
12. Shall not be deception by creating incorrect personnel records or to claim Workman Comp benefits which are not deserved in accordance with BVA policy.
13. Shall not violate rules concerning absence from the workplace without proper authorization.
14. Shall not use a BVA vehicle to perform any personal errand or non-emergency work-related duty without explicit permission from the supervisor. This policy does not apply to employees that are permitted to take home their assigned vehicles or members of the command staff and their designees.
15. Shall not engage in prolonged visits with co-workers, children, friends, or family members that interfere with the course of work.
16. Shall not use phones or computers in the workplace in a manner that violates policy or which disrupts workplace activities.
17. Shall not engage in criminal conduct of any kind while on duty or off. BVA employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and the employees of BVA.
18. Shall not violate any lawful rule established by the Chief of BVA to maintain order and productivity in the workplace. These rules may be communicated in writing or issued orally by the Chief of BVA or a member of the command staff on behalf of the Chief.
19. Shall not harass a fellow worker or member of the public at any time while in active service for BVA.
20. This is not an exclusive list of prohibited and commanded behaviors. Employees are expected to exercise the care of a reasonably prudent professional in light of all relevant circumstances.

BVA reserves the right to terminate any employee at his sole will or discretion.

D. RELATIONSHIP POLICY

1. No employee of BVA shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.
2. No employee of BVA shall supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.

IV. EMPLOYEE CLASSIFICATION, AND COMPENSATION

For varied reasons, employee status must be organized by class or category in order to administer employee policies or otherwise address employment issues.

With the exception of elected officials, any employee, regardless of designation, may utilize the unlawful discrimination procedures set out in Section V of this Personnel Policy Manual should he/she believe that an employment action taken against him/her was the result of unlawful discrimination.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

1. Employment Status

- a. **Except as otherwise provided by this Personnel Policy Manual, or as required by law, or pursuant to a written contract approved by the governing board, employees of BVA are AT-WILL employees.**
- b. Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment may be made at the sole discretion of the governing board. Therefore, BVA retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, he/she may utilize the opportunity to be heard procedures set out in Section V of this Personnel Policy Manual.

c. On-Call, Temporary or Seasonal Employees. Employees who work on an irregular basis are considered to be on-call, temporary or seasonal employees and/or volunteers. Any on-call, temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination may utilize the hearing procedures set out in Section V of this Personnel Policy Manual.

d. Veteran's Rights Following Reinstatement. Any veteran, who has been restored to his/her position in accordance with Idaho Code 65-512, shall not be discharged from such position without cause for a period of one year after such restoration. During this one-year period, a returning veteran shall be entitled to an opportunity to be heard prior to termination. Such returning veteran shall also be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.

2. Employee Classification

The classification of the position an employee holds with BVA may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees and their respective status is outlined as follows:

3. Elected Officials

a. Elected officials are not considered regular employees.

4. Full-Time Regular Employees

a. Employees whose employment is sustained and continuing and whose typical work week consists of at least 35 hours are considered full-time regular employees.

5. Part-Time Regular Employees/Volunteers

a. Employees/volunteers whose employment is sustained and continuing, but whose typical work week consists of 21 to 34 hours on a regular basis are considered part-time regular employees/volunteers.

6. On-Call, Temporary, or Seasonal Employees/Volunteers

a. Employees/volunteers whose employment is sustained and continuing but whose typical work week consists of 20 hours or less on a regular basis are considered part-time regular employees/volunteers and shall receive no employee benefits except those required by law.

7. Independent Contractors

a. Independent contractors who provide services to BVA on a contractual basis are not considered employees of BVA. As such, this Personnel Policy Manual does not apply to independent contractors.

B. COMPENSATION POLICIES

1. Establishment of Employee Compensation

a. BVA compensates employees in accord with decisions by the governing board as budgets are set and are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance for any time period. The Chief of BVA may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the governing board. The governing board reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify or require change in BVA expenditures.

2. Compliance with State and Federal Pay Acts

a. BVA shall comply with all State and Federal Pay Acts respecting the compensation of employees for services performed in the public service.

3. Additional Compensation Policies

a. The Chief of BVA shall be paid a set salary as established by the governing board in the annual budget. He/she shall have no right to overtime pay. Employees determined to be exempt from the hourly requirements of the Federal Fair Labor Standards Act (FLSA) shall be paid on a salary basis as established by the governing board.

4. Right to Change Compensation and Benefits

a. BVA reserves the right to change general compensation for any reason deemed appropriate by the governing board. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent BVA budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work load changes.

5. Overtime Compensation

a. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as Exempt (salaried) or Nonexempt (hourly) for purposes of complying with the FLSA. The FLSA is the federal wage and hour law which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they perform work that qualifies for the professional, executive or administrative exemption. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Please contact the Chief of BVA for further clarification of your FLSA status.

6. Compensatory Time Policy

a. It is the policy of BVA that hourly employees who work over 40 hours in each seven-day work period will be paid compensatory time. Compensatory time in excess of 40 hours per week shall be computed at 1 1/2 time his/her hourly rate.

7. Reporting and Verifying Time Records

a. It is the responsibility of each hourly employee to properly record time that he/she has worked. Each time sheet shall bear the signature of the employee with a counter signature by a supervisor indicating that the hours claimed were actually worked. These records shall be retained consistent with applicable law. Exempt employees may be required to document time worked for accountability purposes.

8. Work Periods

a. Employment with BVA is subject to the FLSA as previously described. Each employee is responsible for monitoring the status of hours worked in each work period. Overtime will be allowed only when authorized by an appropriate supervisor, when part of the employee's regular schedule, or when absolutely necessary in an emergency.

9. Promotions and Compensation

a. The compensation policy for all employees is established by action of the governing board. The annual budget of BVA sets the funding available for compensation for various positions. Promotions and changes in status may be recommended by the Chief of BVA, but final authority regarding compensation rests with the governing board.

10. Payroll Procedures and Paydays

a. Employees are paid every two weeks throughout the year. Payroll checks are issued by BVA and compensate employees for work performed in the pay period preceding the weeks prior in which the check is issued. It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only.

11. Compensation while Serving on Jury Duty

a. Leave will be granted without pay to employees called to serve on jury duty.

12. Military Leave

a. Unpaid leave of absence will be granted to participate in ordered and authorized field training. BVA's employment policy will comply with the provisions of Idaho Code 46-224, et seq., or its successor, as those Code provisions govern leaves of absence for military service.

13.Reduction in Force

a. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. The governing board reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests.

14. Payroll Deductions

a. In accord with Idaho Code 45-609, no payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law.

15. On-the-Job Injuries

a. All on-the-job injuries shall be reported to the employee's supervisor as soon as practicable. Each employee is responsible for completing and forwarding a written report to the BVA chief within 2 day(s) of the on-the-job injury to allow timely filing of a worker's compensation claim. If an employee is disabled temporarily by an on-the-job accident, he/she should be eligible for worker's compensation benefits. Return to employment will be authorized on a case-by-case basis upon consultation with the Chief of BVA. Concerns associated with injured worker status may be brought before the BVA Board of Directors for review.

C. EMPLOYEE BENEFITS

1. Holidays

Full-time regular employees are eligible for holiday pay employment.

BVA Recognized Holidays:

Thanksgiving Day
 Day after Thanksgiving Day
 Christmas Eve and Christmas
 Labor Day
 New Year's Day
 Martin Luther King Day
 President's Day
 Memorial Day
 Independence Day

2. Leave of Absence

Leave of Absences are available to all full-time regular, part-time regular and on-call, temporary or seasonal employees at the discretion of the BVA Board of Directors. The request shall be made in writing and shall require written approval from the governing board.

3. Sick Leave

Currently, BVA does not offer its employees paid sick leave.

V. EMPLOYEE PERFORMANCE AND DISCIPLINE

A. EVALUATION PROCEDURES

Reviews with each employee should be conducted on a yearly basis. Evaluations shall consist of the direct supervisor's observations of the employee's performance,

accuracy of work, quantity of work, and additional efforts expended by the employee.

The supervisor shall review all evaluations with the Chief of BVA before meeting with the employee. Each employee will be given an opportunity to respond to the evaluation. The employee may submit a written response to the employer's evaluation to be placed in the employee's personnel file, providing that it is filed with the employer within 10 days of the date of the oral presentation of the evaluation.

Written evaluations shall be signed by both the supervisor and the employee. A signed copy will be given to the employee and filed in the employee's personnel file.

B. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The purpose underlying the discipline/performance policy of BVA is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace.

C. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

BVA adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately.

D. DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary steps that may be taken by the Supervisor in response to policy violations:

- Oral warning
- Written warning or reprimand
- Suspension without pay
- Dismissal

In the event of a Suspension without pay or Dismissal, the Chief of BVA will consult with the Board of Directors and/or the attorneys for BVA. The governing Board of any action will be considered before the action is taken.

E. OPPORTUNITY TO BE HEARD

All BVA employees are at-will employees. However, BVA recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. BVA also recognizes that a public employee who is being terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to be heard by the Board of Directors.

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. BVA does not condone discrimination on the basis of the foregoing unlawful categories. Failure to pursue this opportunity pursuant to this policy shall constitute a failure to exhaust remedies under this policy.

The elements of procedure to be followed and undertaken unless waived by the employee, are the following:

1. The employee may, within fourteen (14) days of his/her termination or submit a written allegation of unlawful discrimination or the basis for entitlement to the governing board or their designee, stating with particularity the basis for the requested meeting. Written allegations filed untimely or failing to state a particular, legally recognized basis will not be granted an opportunity to be heard.
2. An employee alleging unlawful discrimination will be entitled to meet with the governing board, and the meeting will last no longer than two hours unless otherwise approved.
3. There shall be a record maintained, including a tape recording of the meeting.
4. The employee's supervisor and/or the Chief of BVA shall provide a brief written statement in response to the particular allegation of discrimination or the employee's response to the charges involving dishonesty, immorality or dishonesty. The governing board may request that the employee's supervisor and/or the Chief of BVA participate in the meeting.

5. The employee shall have an opportunity to be represented by legal counsel at his/her own expense.

The employee shall be provided an opportunity to present evidence upon claim of discrimination is based.

The opportunity to be heard shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the charges.

After the meeting, the governing board shall consider the information submitted and such other information as might be in BVA records to arrive at a decision concerning the allegations. Said decision shall set forth in writing the reasons for the determination.

VI. DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

A. PURPOSE

The purpose of this policy is to clearly establish BVA's commitment to work to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to set forth the procedures for investigating and resolving internal complaints of harassment. Because of the importance of a workplace free from unlawful harassment, this policy should be reviewed with each employee on a regular basis.

It is important that all employees treat all other employees and members of the public with decency and respect. It is the responsibility of each and every employee, supervisor and the Chief of BVA to prevent inappropriate behavior in the workplace. Inappropriate behavior which impacts the workplace, or has the potential to impact the workplace, will not be tolerated.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

B. POLICY

Harassment of an applicant for employment, a member of the public, or an employee by any employee of BVA on the basis of race, color, religion, national origin, sex, age and disability is in violation of state and/or federal law and will not be tolerated by BVA.

Employees found to be participating in any form of employment-related unlawful harassment or retaliating against another employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

C. RESPONSIBILITIES

BVA: It is the responsibility of BVA to develop this policy, provide training on this policy, keep it up-to-date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this policy.

Supervisors: It is the responsibility of supervisors to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should report it to the Chief of BVA and the Board of Directors who will decide together who will take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, consulting with the supervisor and taking corrective or disciplinary action as appropriate.

If unlawful harassment is reported or alleged, it must be followed up. No complaining party should be allowed to retract an allegation of unlawful harassment without proving that it was made erroneously. If a supervisor receives information that discrimination, unlawful harassment or retaliation might be occurring, he/she should follow the Complaint Procedure as set out in this policy below.

Employees: It is the responsibility of each and every employee to know this policy and to follow it. All BVA employees share the responsibility of understanding and preventing unlawful discrimination and harassment. But, ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated against or unlawfully harassed have the primary obligation of informing their supervisor, the Chief of BVA or the Human Resources Director of the act of discrimination, unlawful harassment or retaliation, recounting specific actions or occurrences whenever possible. It is imperative that every employee treat every other employee and members of the public with decency and respect so as to facilitate a sound, professional work environment.

D. DEFINITIONS

For purposes of clarification, unlawful harassment includes, but is not limited to, the following behaviors:

1. Verbal Harassment - Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) and disability whether made in general, directed to an individual, or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" which is oriented towards a prohibited form of harassment.
2. Physical Harassment - Assaulting, impeding or blocking movement, leering, or the physically interfering with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

3. Visual Forms of Harassment - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This applies to both posted material and material maintained in or on BVA equipment or personal property in the workplace.

4. Sexual Harassment - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where submission to unlawful harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or the public. Hostile work environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

E. COMPLAINT PROCEDURE

The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination, or retaliation:

1. A person who believes he/she has been unlawfully harassed, discriminated or retaliated against should report it to his/her supervisor, the Chief of BVA or the Board of Directors. If a supervisor becomes aware that unlawful harassment or discrimination is occurring in BVA as a result of an employee coming forward, the supervisor should immediately report it to the Chief of BVA or the Human Resources Director. Once a complaint of unlawful harassment, discrimination or retaliation has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
2. Promptly upon receiving the complaint, the Chief of BVA or Human Resources Director should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this policy occurred.
3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Chief of BVA or Human Resources Director should review the complaint.
4. The Chief of BVA, in conjunction with the Human Resources Director, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
5. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether the conduct occurred.
6. As soon as practical, the investigator will conclude the investigation and submit a report of his/her findings to the Chief of BVA, who then will route it as appropriate.

7. If it is determined that unlawful harassment or discrimination in violation of BVA' policy has occurred, the Chief of BVA will recommend an appropriate course of action. The appropriate action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. Prior complaints made by the complainant;
 - c. Prior complaints made against the respondent; and
 - d. The quality of the evidence (firsthand knowledge, credible, corroboration, etc.).

8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment or discrimination in violation of this policy, but some potentially problematic conduct is revealed, corrective action may be taken.

9. Promptly after the investigation is concluded, the Chief of BVA will meet with the complainant and the respondent separately to notify them of findings.

10. The complainant and the respondent may submit statements to the Chief of BVA or challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the BVA Chief.

11. Promptly after the Chief of BVA has met with both parties and reviewed the documentation, he or she will decide, after consultation with the attorneys for BVA, what action, if any, should be taken.

F. DISCIPLINARY ACTION

If unlawful harassment is determined to have occurred, the Chief of BVA should take prompt and effective remedial action against the harasser. The action should be commensurate with the severity of the offense, up to and including termination of employment.

G. RETALIATION

Retaliation in any manner against a person for filing an harassment charge or initiating an harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination. The Chief of BVA should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

H. FALSE COMPLAINTS

Any complaint made by an employee of BVA regarding employment-based harassment which is conclusively proven to be false, should result in discipline. This discipline may include termination of employment. This section is not intended to discourage employees from making complaints regarding employment based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

I. DISTRIBUTION

However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved.

J. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state, and local law.

This policy should be disseminated to all employees, supervisors and the Chief of BVA. Any questions, concerns or comments related to this policy should be directed to the Chief of BVA or the Human Resources Director.

VII. SEPARATION FROM EMPLOYMENT

A. REDUCTIONS IN FORCE

When financial circumstances or changes of workload require, BVA reserves the right to reduce forces in such manner as it deems necessary to maintain the effective functioning of BVA services.

B. RETIREMENT POLICY

Currently, BVA does not offer retirement benefits at this time.

C. COBRA BENEFITS

Employees of BVA who currently receive medical benefits, who separate their employment may be eligible to continue those medical benefits at the employee's sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If you have any questions regarding your right to continue your health coverage after separating from BVA, please contact BVA Chief.

D. EXIT INTERVIEW

Each employee who separates from employment with BVA is encouraged to participate in an exit interview with the Human Resources Director. In such interview, the employer should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee will be invited to inform the interviewer about his/her impressions of employment in such interview. An employee exit form may be completed at this point and will be retained in the employee's personnel file.

E. RESIGNATION POLICY

Voluntary resignations will generally be made in writing. If the employee wants his/her formal records to indicate "voluntary resignation", he/she must do so in writing to his/her supervisor or the Chief of BVA. Oral resignations will be documented by the supervisor after consultation with the Chief of BVA. The employee's date of resignation will be the last day he/she is physically at work. The use of PTO will not be considered as final days worked.

Employees who have an unexcused or unauthorized absence of three working days or more may be considered to have abandoned their position and therefore resigned.

Approved by the BVA Board of Directors

CHAIR

CO-CHAIR

SECRETARY

MEMBER

MEMBER

ADOPTION DATE

