

Elsipogtog First Nation
Education Authority

Human Resources Policy

Approved by the Board of Directors (October 2021)

ELSIPOGTOG FIRST NATION EDUCATION AUTHORITY

Accepted by Board of Directors October 2021

This Human Resources Policy replaces (previous versions)

<hr/> <p>Signature _____ print name _____</p>	<hr/> <p>Signature _____ print name _____</p>
<hr/> <p>Signature _____ print name _____</p>	

Date Approved by Board of Directors: _____

(motion number) _____

1 Table of Contents

2 HUMAN RESOURCES POLICY	6
2.1 SHORT TITLE	6
2.2 DEFINITIONS	6
2.3 TYPES OF EMPLOYMENT	8
2.4 LINES OF AUTHORITY	9
2.5 EFN-EA ORGANIZATIONAL CHART.....	10
3 PURPOSE OF POLICY	11
3.1 WELCOME MESSAGE FROM THE DIRECTOR OF EDUCATION	11
3.2 CODE OF CONDUCT & CODE OF ETHICS	11
3.3 CODE OF CONFIDENTIALITY	13
3.4 CONFLICT OF INTEREST.....	13
3.5 STATEMENT OF EMPLOYEE & EMPLOYER RIGHTS	14
4 EMPLOYEE RECRUITMENT	14
4.1 POSITION AUTHORIZATION.....	14
4.2 EQUAL EMPLOYMENT OPPORTUNITY.....	14
4.3 PREFERENTIAL HIRING PRACTICE.....	14
4.4 JOB POSTING PROCEDURE AND POSITION COMPETITION	14
4.5 INTERVIEW COMMITTEE STRUCTURE.....	15
4.6 INITIAL SCREENING OF APPLICANTS	15
4.7 INTERNAL EMPLOYEE APPLICATION PROCESS.....	16
4.8 TEMPORARY ASSIGNMENT	16
4.9 CASUAL POSITIONS FOR ON-CALL LIST	16
4.10 APTITUDE AND ABILITY TESTS	16
4.11 VERIFICATION OF PREVIOUS EMPLOYMENT & REFERENCE CHECKING.....	17
4.12 VERIFICATION OF LICENSES, CERTIFICATION AND EDUCATION	17
4.13 CRIMINAL RECORD CHECK.....	17
5 NEW EMPLOYEE APPOINTMENT AND ORIENTATION.....	17
5.1 LETTER OF APPOINTMENT	17
5.2 EMPLOYEE ORIENTATION.....	18
5.3 EMPLOYEE DEDUCTIONS.....	18
5.4 HUMAN RESOURCES FILE AND INFORMATION PACKAGE.....	18
5.5 DECLARATION AND COMMITMENT FORMS	18
5.6 SOLE EMPLOYER.....	19
6 JOB DESCRIPTIONS AND PROBATION	19
6.1 JOB DESCRIPTIONS	19
6.2 PROBATION PERIOD	19
7 HOURS OF WORK.....	20
7.1 REGULAR HOURS OF OPERATION.....	20
7.2 ABSENCE OR LATENESS.....	20
7.3 OVERTIME.....	21
7.4 SEVERE WEATHER AND EMERGENCY CLOSING OF EFN-EA	21

8	PERFORMANCE MEASUREMENT PROCESS.....	21
8.1	EMPLOYEE WORK PLANS.....	21
8.2	ANNUAL EMPLOYEE EVALUATION CRITERIA.....	21
8.3	PERFORMANCE MANAGEMENT.....	22
9	WORKPLACE PROFESSIONALISM AND GENERAL POLICIES.....	23
9.1	DRESS CODE / PERSONAL APPEARANCE.....	23
9.2	SMOKING POLICY.....	23
9.3	TELEPHONE, MAIL AND FAX POLICY.....	23
9.4	CELLULAR PHONE USE.....	23
9.5	SOFTWARE ACCESS AND UPDATE PROCEDURE.....	24
9.6	INTERNET AND EMAIL USE.....	24
9.7	EMAILS AND INTERNET SITES THAT DISCRIMINATE OR VIOLATE CRIMINAL CODE.....	25
9.8	ELSIPOGTOG FIRST NATION EDUCATION AUTHORITY OWNS EMPLOYEE EMAIL.....	25
9.9	SOCIAL MEDIA, PROFESSIONAL AND PERSONAL CONSIDERATIONS.....	25
9.10	OFFICE MASTER KEYS AND SECURITY CODE.....	26
9.11	CARE AND USE OF EFN-EA PROPERTY AND EQUIPMENT.....	26
9.12	RESTRICTED AREAS AND BUILDING SECURITY.....	26
9.13	USE OF VEHICLES FOR WORK AND DURING WORK HOURS.....	26
9.14	POLITICAL ACTIVITY AND VOTING.....	27
9.15	RUNNING FOR OFFICE.....	27
10	DISCIPLINE POLICY.....	28
10.1	DISCIPLINARY AND REPRIMAND PROCEDURES.....	28
10.2	PROGRESSIVE REPRIMAND PROCEDURE.....	28
10.3	DISCIPLINARY SUSPENSION AND IMMEDIATE DISMISSAL.....	29
10.4	DISCONTINUATION OF EMPLOYMENT.....	29
11	GRIEVANCE POLICY.....	30
12	HARASSMENT POLICY.....	30
12.1	LATERAL VIOLENCE.....	31
12.2	DEFINITIONS.....	31
12.3	HARASSMENT COMMITTEE.....	32
12.1	PUNITIVE MEASURES.....	33
12.2	THE VICTIM'S RECOMPENSE.....	34
12.3	DISSATISFACTION WITH PROCESS.....	34
12.4	RETALIATION.....	34
12.5	FALSE ACCUSATIONS.....	34
13	WAGES, SALARIES, PAYDAY AND BENEFITS.....	34
13.1	ANNUAL WAGES AND SALARIES.....	34
13.2	SALARY & WAGE GRID.....	34
13.3	PAY DAYS AND SUBMISSION OF TIME SHEETS.....	35
13.4	BI-WEEKLY PAYROLL.....	35
13.5	PAYROLL DEDUCTIONS.....	35
14	WORK LIFE BALANCE - HOLIDAYS, VACATION, FAMILY AND OTHER LEAVE.....	36
14.1	STATUTORY AND NON-STATUTORY HOLIDAYS.....	36
14.2	VACATION LEAVE FOR ON-GOING EMPLOYEES.....	36
14.3	TERM EMPLOYEE VACATION LEAVE ENTITLEMENT.....	37
14.4	STAFF HEALTH AND WELLNESS SCHOOL ADVISORY TEAM:.....	37

14.5	SICK LEAVE.....	38
14.6	RETURN TO WORK AFTER SERIOUS INJURY OR ILLNESS.....	38
14.7	BEREAVEMENT LEAVE.....	39
14.8	MATERNITY LEAVE - WITHOUT PAY.....	39
14.9	PARENTAL LEAVE – WITHOUT PAY.....	39
14.10	COMPASSIONATE CARE LEAVE – WITHOUT PAY.....	40
14.11	BIRTH/ADOPTIVE/GUARDIAN LEAVE – WITH PAY.....	40
14.12	COURT LEAVE.....	40
14.13	EDUCATIONAL LEAVE.....	40
14.14	TRAINING AND PROFESSIONAL DEVELOPMENT LEAVE.....	41
14.15	BUSINESS SEMINARS, CONFERENCES AND MEETINGS.....	41
15	RESIGNATION, LAYOFF, AND TERMINATION.....	41
15.1	RESIGNATION.....	41
15.2	TERMINATION OR LAYOFF NOTICE.....	42
15.3	RETURN OF EFN-EA PROPERTY.....	42
16	OVERSIGHT OF HUMAN RESOURCES POLICY.....	42
16.1	HUMAN RESOURCES COMMITTEE.....	42
16.2	VIOLATION OF POLICIES.....	42
16.3	SEVERABLE.....	43
17	APPENDICES.....	44

2 Human Resources Policy

2.1 Short Title

This policy may also be referred to as the “HR Policy”. The terms have been used interchangeably throughout the document and are intended to mean the same.

This policy refers to and is applicable to any employee working for Elsipogtog First Nation EDUCATION AUTHORITY (EFN-EA) which includes all managers and staff (non-manager), full time and part time, ongoing (permanent), temporary (term) and casual employees.

2.2 Definitions

“EFN” is the Elsipogtog First Nation.

“EFN-EA” is the Elsipogtog First Nation Education Authority – legally incorporated separate and standalone organization.

“Nation Administrator” is the senior administrative position in the EFN, and may on occasion be referred to by other titles, Nation Manager, Director of Operations, Band Manager or Chief Administrative Officer or other title as identified by the Nation;

“Anniversary Date” means the annual day from the first day an employee reports to work. An employee’s Anniversary Date is used to compute various conditions and benefits described in this HR Policy. EFN-EA uses a common anniversary date of September 1st when calculating any vacation and other leave for on-going employees and a prorated calculation for employees in their first year of employment.

“Board of Directors” is the legal governing body for the EFN-EA. It is composed of three individuals including the Director of Education, the Assistant Director and one other. The Director of Education reports to the Board of Directors. The Board of Directors has ultimate signing authority for the organization including responsibility to approve the annual budget, the Strategic Plan, the Operational Plan, all policies, and all other legal, fiscal and organizational documents that have a binding impact on the EFN-EA. The Director of Education may seek approval from the Board of Directors when making decisions regarding members of the Senior Administrative team.

“Board of Commission” is an external body of three members appointed for a three year term which is renewable. Its primary responsibility is to ensure that the position of the EFN-EA Director of Education is filled by a qualified, strong and visionary leader. Annually the Board of Commission will conduct a performance evaluation of the Director of Education and Assistant Director and if required works with him/her/they to set new goals and objectives for future performance. If required the Board of Commission has the responsibility to terminate and or replace the individual in the Director of Education position. The Board of Commission appoints the Board of Directors.

“Community Advisory Council” is composed of twelve (12) individuals appointed annually by the Director of Education. The Community Advisory Council is responsible for providing guidance, advice and, as requested, recommendations to the Education Authority Director of Education on the vision, goals, plans, and policies of the Education Authority. Note: the EA Community Advisory Council has no decision-making responsibilities, but rather its purpose is to provide support to advise the leadership on possible directions and long-term vision for education within the community.

“Casual Employee” is an employee who applies for, is interviewed, and is placed on a causal On-Call List. Specific On-Call Casual Lists will be created and maintained annually.

“Council” means the Chief and 12 Councilors of the EFN elected by the community members as defined under the Indian Act.

“Contract Employee” all employees will be hired under a one year Contract for his/her/their first year of employment with EFN-EA. The individual may be offered a second one year contract and or be eligible to apply for an ongoing position following the successful completion of the initial one year contract. Individuals must have completed at least a single one year Contract before being eligible to apply for a posted on-going with EFN-EA. The terms and conditions of this Human Resources Policy apply to Contract both term and on-going employees.

“Contractor- Service Provider” means an individual or company that has been retained by EFN-EA to deliver specific services. Contractors are not employees and are not covered by this HR Policy.

“Director/Manager” refers to an employee in charge of a specific area or department of EFN-EA and may also be referred to as Department Director or Department Manager.

“Director of Education” is the most senior employee position in the EFN-EA organization.

“Assistant Director” is the second most senior position in the organization reporting to the Director of Education.

“Employee/Employees” refers to a/all person/s employed by the EFN-EA, whether they are on a monthly, daily, or weekly wage and who works either full time and or part time.

- “Ongoing Employee” is an employee hired by the EFN-EA in a regular position whose appointment is continuous from year to year.
- “Term Employee” is an employee hired by the EFN-EA for a specified period of time, usually no more than six (6) months. This includes Summer Student Employment Program hires.

“Fiscal Period” – means the fiscal period of EFN-EA; that is the period commencing on April 1 of a calendar year to and including March 31st of the following calendar year.

“Full Time Employee” is an employee who normally works a 37.5 hour weekly schedule.

“Human Resources Committee” (HR Committee) is composed by five individuals appointed by the Director of Education. The HR Committee will include at least three members from the Senior Advisory Team with the remaining two selected from within the organization who must be full-time employees. The HR Committee is responsible for addressing and resolving all disciplinary actions as well as all staff relations, human resource management concerns and/or grievances. The HR Committee reviews and recommends to the Senior Administrative team changes to the HR policy and associated procedures. The HR Committee is responsible for approving any revisions to all job descriptions, reviewing recommended changes to the salary guideline ranges, and interviewing applicants for all senior management positions with the EFN-EA. The HR Committee is also responsible for all other duties and activities outlined in the HR Policy and as directed by the Assistant Director. The Committee reports to Senior Administrative team. The HR Officer supports the HR Committee and attends all meetings.

“Human Resources Advisory Committee” (HR Advisory Committee) is a committee composed of the Executive members from the Community Advisory Council. They can be requested to hear any grievances from staff members following a performance or disciplinary process. The Advisory Committee will listen to all presentations and present their advice to the Director of Education and Assistant Director. Ultimately, the Director of Education and Assistant Director are responsible for all Human Resources decisions but will take all recommendations and advice from the committee under advisement. The HR Advisory Committee will always ensure that the privacy and confidentiality of employees is protected.

“Human Resources file” is the employee file created for each employee that is held by the Human Resources Officer. These records will be held in confidence and will include all employee specific Human Resources records.

“Human Resources Officer” reports to the Assistant Director and is responsible for coordinating and providing all human resources related support required by management, employees and the Board of Directors. The Human Resources Officer provides regular reports as required to the Director of Education and works closely with other members of the Senior Administrative Team.

“Immediate Family” for the purposes of this HR Policy, immediate family is defined as: the employee's spouse or common-law partner; the employee's father and mother and the spouse or common-law partner of the father or mother; the employee's child(ren) and the child(ren) of the employee's spouse or common-law partner; the employee's grandchild(ren); the employee's brothers and sisters; the grandfather and grandmother of the employee; the father, mother, brother(s) and sister(s) of the spouse or common-law partner of the employee, and any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.

“Line of Authority” as per the EFN-EA Organizational Chart.

“Local Area” means all the territory that is contained within a fifty (50) kilometer radius of the EFN-EA main School Building.

“Part Time Employee” is an employee who is normally scheduled to work less than a 16 hour week.

“Staff” refers to all non-management employees.

“Student Centered Learning” (Need definition from EFN-EA)

“Senior Administrative Team” refers to the team of six (6) key senior staff and management including Director of Education, Assistant Director, Financial Officer (2 positions), School Principal, and the Student Services Coordinator. They meet on a regular basis to discuss and decide on key policy, financial, and overall management matters. The Senior Administrative team report to the Board of Directors through the Director of Education.

“Staff Health and Wellness School Advisory Team” a volunteer staff-based committee, Facilitator appointed by the Principal in September each year. Meetings held once a month, open to all staff, to discuss general ideas that support staff health and wellness may include information sessions and workshops.

“Year of Employment” means a period of twelve (12) consecutive months commencing September 1st following the commencement date of employment or the completion date of the probationary period, if applicable.

2.3 Types of Employment

Summary table for reference purposes:

Part time Employee	An employee who is normally scheduled to work less than a 16 hour week.
Full time Employee	An employee who normally works at least a 37.5 hour weekly schedule.
Ongoing Employee	An employee hired by EFN-EA in a regular position whose appointment is continuous from year to year.
Term Employee	An employee hired by EFN-EA for a specified period of time, usually no more than six (6) months. This includes Summer Student Employment Program hires as well as special and seasonal project employees.
Contract Employee	An employee hired under a one-year term contract. All new hires will be Contract Employee appointments. Only once an individual has successfully completed at least one Contract will he/she/they be eligible to apply for an ongoing or term position.

Casual/On-Call Employee	An employee who applies for, is interviewed and is placed on a causal On-Call List. Specific On-Call Casual Lists will be created and maintained annually. A Casual worker may be brought in to work for a few hours up to a few days at a time, but can be re-called as often as is required.
-------------------------	--

2.4 Lines of Authority

Board of Directors	Legal authority for EFN-EA, has responsibility for signing all key legal and fiscal documents on behalf of the organization including but limited to the annual budget, strategic plan, operational plan, all policies and all funding agreements over \$100,000.
Board of Commission	Is a committee of external experts whose primary responsibility is to hire, evaluate and if required recommend the termination of the Director of Education and the Assistant Director. The Board of Commission appoints the Board of Directors.
Community Advisory Council	The 12 member Advisory Council is appointed by the Director of Education to advise and make recommendations regarding the vision, education and cultural director of the EFN-EA. This body reports to the Director of Education. Appointments are renewable and may be up to five year terms.
Director of Education	The most senior position on staff and is responsible for the leadership and management of the whole organization; drafts and oversees the administration of the EFN-EA annual budget; final authority as set out in HR Policy and Financial Administration Policy; ensures that all policies, decisions and motions of Board of Directors are followed and implemented; only position that directly reports to Board of Directors.
Assistant Director	The second most senior position and has leadership and management decision making responsibilities; drafts and administers budgets; has fiscal responsibilities including approving expenditures; assigning workload and monitoring staff work plans; review and monitor policies ensuring they are implemented. Also oversees Human Resources matters for the organization. Reports to the Director of Education.
Senior Administrative Team	Composed of the of six (6) key senior staff and management including Director of Education, Assistant Director, Financial Officer (2 positions), School Principal, and the Student Services Coordinator. They meet on a regular basis to discuss and decide on key policy, financial, and overall management matters. The Senior Administrative team reports to the Board of Directors through the Director of Education.
Director/Manager	This “title” refers to all positions at a departmental level including the Principal, Vice Principals, program managers and staff team leaders. Reports to the Assistant Director or through a more senior Director to Assistant Director.

2.5 EFN-EA Organizational Chart

The organizational structure of the EFN-EA is outlined in the Organizational Chart.

(See Appendix)

3 Purpose of Policy

The purpose of this policy, including the approved related procedures, is to maintain a harmonious and mutually beneficial relationship between the employer, EFN-EA, and the employees and to ensure the integrity and efficiency of EFN-EA. The policy describes the terms and conditions of employment and expected general working conditions. The employer wishes to ensure that all reasonable measures are provided for the safety and occupational health of its employees.

The employer desires to promote the well-being and productivity of its employees to serve the students, parents, guardians and related clients and partners well. Accordingly, the employer is determined to establish an effective working relationship and environment for all employees.

From time to time, EFN-EA policies may require revision. The Board of Directors may, on an annual basis, review and revise these policies as required. Any amendments to this policy manual shall not constitute grounds for compensation. Amendments shall be effective from the time of their approval and publication.

3.1 Welcome Message from The Director of Education

In 2016 the Government of Canada introduced a plan calling for the transformation of education in First Nation communities. At the heart of the transformation was First Nation Control of First Nation Education. This entails control of both financial and educational/philosophical destinies by individual communities or regional groups.

Elsipogtog First Nation has emerged as a leader not only in Atlantic Canada but Canada wide. In 2019 the Elsipogtog First Nation Education Authority was formally established and received a 5-year mandate from Canada and the Chief and Council of Elsipogtog First Nation to transform the existing education system. We are now in a clear position along with our education partners to work with and for our youth to face the challenges of today in preparation for the future.

EFN-EA will strive to develop an educational system of life-long learning which will:

- Encourage pride in language, identity, culture and heritage.
- Recognize individual unique learning styles of students and adapt to meet their learning needs.
- Extend the boundaries of the school to draw upon the resources of the community and learning opportunities there in.
- Provide students with necessary foundations to become successful/productive citizens of Elsipogtog, New Brunswick and Canada.

3.2 Code of Conduct & Code of Ethics

Elsipogtog First Nation Education Authority is dedicated to serving its students, parents, guardians, teaching and support staff, as well as its partners, funders and Elsipogtog First Nation as a whole. It is important that all employees are aware of their responsibilities to students, parents, guardians, teaching and support staff, as well as other agencies and organizations that work with EFN-EA. Therefore, all EFN-EA employees shall comply with the following guidelines pertaining to conduct and ethics.

While the Code of Ethics may not cover every situation, it will serve as a guide to the general conduct, which is expected of all employees.

1. During work hours, employees must devote themselves to his/her/their duties of employment; be prompt, courteous and professional in his/her/their performance; as well adhere to the policies and procedures of EFN-EA.
2. Employees shall carry out the duties of his/her/their positions loyally and honestly,

remembering that the primary work task is to serve EFN-EA, its students, clients, and other stakeholders.

3. Employees shall respect the integrity and dignity of the students, parents, guardians, the organization, its programs, staff and all other affiliated agencies.
4. Employees shall conduct themselves, while on duty and in public, in a manner that will be a credit to themselves, their department, and EFN-EA.
5. Employees shall work continually towards self-improvement through self-evaluation and training.
6. Employees shall use information obtained on the job for the employer's intended purpose only, not for his/her/their own personal interests or those of other persons.
7. Employees shall be on the job punctually each day unless there is a valid reason for absence or lateness, in which case the employee will contact his/her/their immediate Manager at the start of the working day and give an indication of when he/she/they expects to return to work.
8. Employees shall use his/her/their initiative to find ways of doing his/her/their work more efficiently and economically.
9. Employees shall follow instructions attentively and cooperate with his/her/their Director/Manager.
10. Employees shall maintain a satisfactory standard of dress and general appearance appropriate to his/her/their duties.
11. Employees shall use equipment, property, or supplies, which are owned, leased, or rented by EFN-EA for authorized purposes only.
12. Employees shall protect and care for all EFN-EA property entrusted to them and report to his/her/their respective Managers any faulty equipment that requires repair.
13. Employees shall not engage in public criticism of EFN-EA, the Board of Directors, the Board of Commission, the Community Advisory Council, the Director of Education, other employees and or any approved policies of EFN-EA.
14. Employees will not be intoxicated or under the influence of drugs while on duty.
15. Employees will respect the confidentiality of all records, materials, and communications and disclose information acquired through employment only when authorized by the appropriate Director/Manager.
16. Employees shall refuse any fees, gifts or other tangibles offered to his/her/them in reward for duties performed by virtue of his/her/their appointment, with the exception of cultural offerings.
17. Employees shall not receive travel or other reimbursements for the same meeting from two or more agencies/organizations or sources.
18. Employees shall serve students and all stakeholders with loyalty, determination and the maximum application of professional skill and competence.
19. Employees will not participate in, or allow any behavior that is intended to degrade, humiliate, intimidate or cause fear to any community member, student, client, volunteer, or other employee.
20. Employees will respect the culture, traditions and teachings of the Nation and always act accordingly.

3.3 Code of Confidentiality

All employees of EFN-EA shall work to promote EFN-EA, its vision, goals and objectives and to uphold the EFN-EA policies and procedures of the organization. At all times, employees are to keep information confidential with regards to EFN-EA, its students, parents, guardians, and its related clients.

Employees must adhere to the EFN-EA "Code of Confidentiality" during his/her/their employment with EFN-EA. At no point during employment or following employment shall an employee disclose any confidential information gained while working for EFN-EA.

The fundamental principles of EFN-EA Confidentially include:

- All personnel working on behalf of EFN-EA will protect the confidentiality of any information acquired during the conduct of his/her/their duties.
- Confidential information may be disclosed only when a parent or guardian has authorized in writing such disclosure, or when there is some legal obligation to do so.
- In any event, disclosure for legal reasons shall not occur before consultation with the Director of Education or authorized personnel of the organization. Any possibility of legal disclosure must be made known to EFN-EA.
- No personnel working on behalf of EFN-EA shall speak or divulge any information to the media regarding EFN-EA business unless instructed by the Director of Education (or designate) as approved by motion.

Violation of this code will result in suspension or dismissal.

3.4 Conflict of Interest

It is critically important that no employee of EFN-EA shall engage in any conduct in the course of employment that may result in a personal benefit to that employee or a member of his/her/their family. No employee shall participate in any decision that may benefit the employee or a member of his/her/their family, regardless of the position or authority of that employee. No employee in authority shall influence or lobby another manager or director for decisions that are deemed to be in conflict of interest.

A conflict of interest is a situation in which an individual is faced with competing interests or loyalties. A conflict of interest occurs when an individual acts to benefit his/her/their own interests or loyalties.

All decisions must be made with the intention of benefiting EFN-EA.

The fundamental Principles of EFN-EA Conflict of Interest include:

- If or when a conflict or a potential conflict of interest situation arises, the employee must immediately inform his/her/their Director/Manager that a conflict or potential conflict has arisen and the nature of the conflict;
- The employee must take no further part in discussions or decision-making regarding the matter;
- If an employee is found to be in a conflict situation and did not declare the conflict, the employee will be subject to disciplinary action;
- The Director of Education, in consultation with the Assistant Director, will determine whether there has been a conflict and if so, will follow the EFN-EA Discipline process up to and including dismissal. Any member of the Senior Administrative Team or any other EFN-EA Committee, should abstain from the decision if the conflict of interest shall be applicable to him/her/they.
- At no time shall an EFN-EA employee also work or volunteer with an organization that

actively seeks to undermine or in any way detract from the integrity of EFN-EA.

- If an employee has been asked to support (spend time), volunteer and or sit on a Board or Committee for another agency or organization and the request will require that the EFN-EA employee take considerable time away from their regular work hours with EFN-EA, the employee must seek written approval for involvement from the Assistant Director or Director of Education.

3.5 Statement of Employee & Employer Rights

EFN-EA believes that it is important to identify and protect both employee and employer rights. As such EFN-EA believes:

- All employees are entitled to fair and just treatment;
- Employees are entitled to carry out his/her/their job without fear of harassment. EFN-EA has the responsibility of preventing and actively discouraging harassment in the workplace. (See section 11 of this policy regarding Harassment Policy)
- All employee files and information should be kept with great care to protect the privacy and confidentiality of the individual's records.
- No employee shall be suspended or discharged, with or without just cause, unless there is written authority of the Director of Education or Assistant Director.
- No person who is employed in a managerial or confidential capacity shall by intimidation, threat of dismissal, or any other type of threat, cause an employee to abandon a complaint or grievance or refrain from exercising a right to present a dispute, as provided in the conditions of employment.
- Any employee may use the grievance procedure described in this Policy to dispute a management decision with regard to the performance of that employee's duties.

4 Employee Recruitment

4.1 Position Authorization

All new positions must receive Budgetary Authorization from the Director of Education and Posting Authorization by the Assistant Director before the position can be posted. Any previously approved position that has become vacant may be approved by Assistant Director for re-posting (assuming the budget is still in place).

Department Directors/Managers will prepare the documentation including the job description, rationale for the position and the budgetary support for presentation and recommendation to the Assistant Director as required.

All hiring letters and letters of appointment must be signed by the Assistant Director.

4.2 Equal Employment Opportunity

The EFN-EA, under this HR Policy, provides equal opportunity for everyone regardless of age, sex, color, race, creed, sexual orientation, national origin, religious persuasion, marital status, political belief, or disability that does not prohibit performance of essential job functions.

4.3 Preferential Hiring Practice

The intention in all hiring is to recruit the best-qualified candidate. When two or more candidates are deemed to be equal in terms of "best qualified," then preference will be given to the candidate who is a member of the EFN and/or of indigenous ancestry.

4.4 Job Posting Procedure and Position Competition

All positions, Contract, Ongoing and Term, will be posted to provide an opportunity for transfers,

promotions, advancements, short-term replacements as well as to access the most qualified external applicants.

All positions will be posted and advertised as directed by the Assistant Director. Generally, all postings will be open for a minimum of 10 working days but the posting may be open for longer at the discretion of the Assistant Director. The HR Officer is responsible for coordinating all posting and hiring processes.

All postings are to comply with established posting and interview procedures. Standard job postings shall include qualifications, duties, date of posting, application deadlines, anticipated interview date and other relevant information related to the position deemed necessary by the Human Resources Officer and Department Director. At the close of the competition, the Human Resources Officer shall be responsible to review all applications and set up interviews as appropriate.

4.5 Interview Committee Structure

The Board of Commission, composed of at least three individuals, shall be responsible for the interviewing, selection and hiring of the Director of Education and Assistant Director.

The Assistant Director (or designate) along with at least two other members from the Senior Administrative Team will have the responsibility for interviewing, selection, and hiring of all Department Directors and senior manager positions. All other Interview Committees must have at least two members but preferably three that must include the Department Director and another member of the Senior Administrative Team.

The Interview Committee shall be responsible for the interviewing of each position within each Department. The Human Resources Officer and the Department Director shall jointly decide who shall be on the interview committee. The Human Resources Officer shall coordinate the interviews.

If a member of the interview committee is in a conflict of interest, he/she/they must declare it to the Committee and shall temporarily be replaced during that portion of the competition. The remaining members of the Committee shall appoint the temporary replacement. The member once replaced will abide by the decisions made by the reconfigured Committee.

Any individual assigned to any interview committee for EFN-EA and who is in a Conflict of Interest as defined in this policy must self-identify and be replaced on the Interview Committee.

4.6 Initial Screening of Applicants

Initial screening of all applications will be assessed by the Human Resources Officer to determine the applicant's ability to meet the minimum stated qualifications. Second level screening of all applications for a senior level positions will be assessed by the Senior Administrative Team and second level screening of all applications for positions of Manager and below will be assessed by the Director (or designate) and one (1) other member of the interview committee. All applications of qualified candidates received for a posting will be forwarded to the Human Resources Officer and Interview Committee.

Only job-related questions or questions that assess the candidate's experience, skills, training and personal suitability will be asked. All candidates will be asked the same questions. If any potential candidate misses an interview, he/she/they will not be granted a second chance to be interviewed. The Human Resources Officer will notify in writing all candidates who have been interviewed of the EFN-EA's decision in relation to the candidate's application.

The Assistant Director may seek permission from the Director of Education under emergent/urgent circumstances to have the discretion to move to the selection and hiring of a candidate without going through the normal posting/interviewing process. This shall only be used for temporary/urgent appointments. Selection of all on-going positions must follow the proper

procedure.

EFN-EA reserves the right to not fill a position if they determine that there are no qualified applicants.

4.7 Internal Employee Application Process

The Assistant Director should first consider promotion from within the organization to determine if an existing employee can fill the position. However, if no suitable and qualified internal applicant is identified the position will be advertised locally, regionally, and as appropriate, nationally.

Internal applicants will be required to submit a formal application and be formally interviewed by an interview committee, and if appointed, undergo the new employee probation process.

4.8 Temporary Assignment

Positions for temporary employment may be offered on a specific or on a project-based basis as determined by the Assistant Director. Temporary staffing assignments of less than 3 months do not require job posting competitions. The Assistant Director may wish to temporarily fill a position must provide the Senior Administrative Team with the rationale for making the position temporary and for why it should be filled without competition. Department of Finance is to be informed of this decision as well as informed on the duration of the temporary employment. A letter of appointment signed by the Director shall be given to an employee appointed to fill a temporary assignment outlining the specific term, duties, conditions of employment and additional pay or compensation.

Should an EFN-EA employee be temporarily assigned to perform the duties of a higher position on an acting basis for a period that exceeds twenty (20) consecutive working days, that employee may be paid the salary rate of the higher position for the duration of the temporary assignment. The Assistant Director must approve authorization for the increase in pay.

4.9 Casual Positions for On-Call List

To enable the administration to hire individuals to fill short-term positions, EFN-EA will establish an On-Call Casual List. Each department must seek approval from the Assistant Director to create specific positions that can be filled through an On-Call List.

Once approved, the Human Resources Officer will keep each Department List and must follow established hiring protocol (advertising, interviewing and selection) to fill the On-Call List. The frequency of posting to fill the List (and to keep it current) will be at the discretion of the Department. Individuals from the On-Call List may be hired for a few hours, a few days and or a few weeks (never more than 3 weeks of continuous employment). The letter of offer will specify the job title, the Manager/Supervisor, the duties, the hours of work, length of employment and the rate of pay. Employees hired through the On-Call process will be placed on the regular payroll and expected to abide by all the conditions of this Policy.

Only individuals from an On-Call List will be eligible for hiring for temporary/term positions.

The letting of Contracts to independent Contractors will only be used to complete special projects and or to deliver specific/specialized professional services. Contractors are not employees and contract positions must be filled through proper established EFN-EA purchasing procedures not through a job posting process.

4.10 Aptitude and Ability Tests

Some positions require skills for which a known level of competence exists, e.g., keyboarding, computer applications, and specialized technical skills. Under these circumstances the Interview Committee may request applicants to demonstrate skills by completing an exercise involving a job-related work sample. All interviewed applicants must be given the same exercise. All test

results will be confidential.

4.11 Verification of Previous Employment & Reference Checking

The Human Resources Officer will be responsible for verification of employment information provided by the applicants for all positions. References and previous employers for top candidate(s) that have been short listed for an interview will be contacted with respect to details of position(s) held and overall work habits of the candidate(s).

4.12 Verification of Licenses, Certification and Education

The Candidate will be responsible for providing original verification of his/her/their licenses, certification and educational background, including confirmation of the successful completion of all certificates, diplomas, licenses, degrees, etc. The successful candidate will be asked to provide original documentation of all accreditation before the interview. Documents will be placed in the employee's Human Resources file.

4.13 Criminal Record Check

Criminal Reference Checking will be a condition of employment or service for persons applying for all positions in the organization.

A new employee will provide a copy of a current criminal record check prior to the first day of employment. The start date will be delayed until the employee has provided the criminal record check.

Employees are required to maintain a clean criminal record while employed with EFN-EA. Any employee must immediately notify his/her/their Director and the Human Resources Officer should his/her/their status change while employed with EFN.

All employees will be required to provide an updated criminal record check every two years. These are provided to the Human Resources Officer and put in the employee's Human Resources File.

5 New Employee Appointment and Orientation

5.1 Letter of Appointment

All new employees shall be given a Letter of Appointment signed by the Human Resources Officer and the Assistant Director. The Letter shall outline the job title, Manager/Supervisor, start date, (and term end date, for term positions), hours of work, salary placement and length of probationary period. Also included in the letter will be any special conditions of employment such as outstanding education and certification requirements, professional membership requirements, etc. Attached to the Letter will be the Job Description. A copy of this letter will be sent to the Director.

All new hires will only be offered a single one-year Contract appointment. Contract appointments still include a six-month probationary period. An individual may complete two Contract appointments in the same position.

Individuals that have successfully completed a Contract appointment will be eligible to compete for an ongoing position.

Once the probationary period has been successfully completed, a full Letter of Appointment shall be provided to the employee, signed by the Assistant Director and Human Resources Officer and a copy placed in the Human Resources file. A copy will be sent to the Department Director.

5.2 Employee Orientation

It is the responsibility of both the Human Resources Officer and the new employee's direct supervisor to establish good employee-employer relations with open communications and to reduce anxiety with regard to the new work environment and to begin to make the employee feel part of the team.

All new employees will be provided with a comprehensive orientation process. The Human Resources Officer will review the HR Policy and conditions for his/her/their probation with the new employee and explain all other relevant documents. The new employee will then be asked to sign all the required forms including the declaration of understanding (which indicates that he/she/they has received a copy and understands and agrees to abide by all EFN-EA policies).

5.3 Employee Deductions

The Financial Officer will inform the new employee about the EFN-EA Benefits Package and will have the new employee sign a number of forms including the Federal Income Disclosure Form T-1, Direct Deposit Authorization, and Payroll Deduction forms.

5.4 Human Resources File and Information Package

A confidential employee file (Human Resources file) will be created for each new employee. All employees will have access to his/her/their own records upon request and appointment. The Assistant Director and/or Manager will have access to his/her/their staff members' records. The Human Resources Officer and Assistant Director will have access to all records. The Human Resources Officer or Assistant Director must be present during all access to Human Resources files. No files will be removed from the Human Resources Office. The Human Resources Officer will maintain a log of persons accessing the files. The files will be locked at all times.

No information relating to an employee's performance shall be placed in his/her/their file unless a copy has also been given to the employee.

5.5 Declaration and Commitment Forms

EFN-EA is dedicated to providing the best services possible for its students. As such, all employees will be required to agree to abide by the established Code of Ethics, Code of Conduct and Code of Confidentiality.

All employees will be required to sign a Code of Ethics form that will remain in effect throughout and following employment with the EFN-EA. The Oath of Confidentiality is binding on all employees during and after employment with the EFN-EA. A breach of confidentiality can result in legal proceedings and/or immediate dismissal.

All employees will be required to sign a Conflict of Interest Disclosure Form and update it regularly should his/her/their personal circumstances change. The purpose of the Disclosure Form is to inform EFN-EA of any real or potential conflict of interest that an employee may have and to protect the organization from harm.

To ensure that all employees are completely aware and informed of the core EFN-EA policies and procedures, each new employee will have the HR Policy explained to them and will be given a copy of the Policy during their orientation. All employees will be required to sign a Declaration of Understanding indicating that they have been informed and have received a copy of the HR Policy and all other relevant documents and that they will abide by these during their employment with EFN-EA.

Employees that are found to be in violation of their commitment to providing Ethical and Confidential performance and/or not abiding by established EFN-EA policies may be subject to disciplinary action.

5.6 Sole Employer

As a condition of employment or continued employment as the case may be, all employees of the EFN-EA agree to be only employed by EFN-EA unless:

1. The additional employment is fully disclosed to the employer prior to the employee accepting the additional employment (whether casual or part time); and
2. The Assistant Director authorizes the additional employment.

6 Job Descriptions and Probation

6.1 Job Descriptions

Job Descriptions have been created for all positions within the EFN-EA. Copies of all Job Descriptions are available from the Human Resources Officer. (Revised Job Descriptions to be completed by 2022)

All Job Descriptions shall include the following:

- Position title
- Accountability or reporting structure, including line of authority
- Responsibilities: nature and scope of work, including regular duties
- Experience, abilities, knowledge and skills required
- Qualifications: educational background and training, licenses, certificates required
- Physical and/or special working conditions

Job descriptions will be used to determine employee selection, job requirements, employee evaluations, organizational structure, and for such other purposes as determined by the Senior Administrative Team. From time to time Job Descriptions may be reviewed and revised by the Human Resources Committee. The Director/Manager/Supervisor will provide the employee with a written copy of a new/updated job description.

A current written copy of the employee's job description must be signed by the employee and kept in his/her/their Human Resources file.

6.2 Probation Period

All new employees will be placed on a six (6) month probation period.

An employee who accepts a promotion/new position within the EFN-EA will be treated like any new employee and given a six (6) month probation period. Should the promoted staff member fail the probationary period, all reasonable efforts will be made to replace him/her/they in a position similar to the one he/she/they vacated. However, no guarantee will be made.

Board of Commission will evaluate a probationary Director of Education and Assistant Director. The Director of Education will evaluate probationary Directors and all other employees that report directly to the Director of Education including all the members of the Senior Administrative Team. Each Director will evaluate all probationary employees within his/her/their department. In the case where an employee reports to two Directors, both will jointly conduct the evaluation.

The individual(s) completing an evaluation will outline in writing to the Assistant Director his/her/their recommendations for continuation or termination of the employee's appointment. Probationary employees who fail to meet the overall performance criteria and standards laid out in the Employee Evaluation process will not be recommended for further employment.

At any time during the probation period the Assistant Director may terminate employment without notice.

The same Performance Appraisal process and forms used for the annual evaluation shall be used during the probationary evaluation.

Probationary employees shall not be entitled to any retroactive wages or benefit increases.

7 Hours of Work

7.1 Regular Hours of Operation

A full time employee at EFN-EA generally work a 37.5 hour per week. Individual hours of work vary from position to position and will be identified in individual Letters of Appointment. The School building will be open from 7:00am to 9:00pm Monday through Friday. During those hours there will be at least one employee on duty and in the building.

A normal workweek shall be from Monday to Friday. A normal workday shall be seven and a half (7.5) hours Monday to Friday with an unpaid one hour for lunch. This will vary depending on position and will be identified on individual Letters of Appointment.

The specific hours for each position and function throughout the school will be assigned by the school Principal and contained in the employee Letter of Appointment. Should the required hours for an individual employee need to be changed at some point during the year, either as a permanent change or a temporary change, the employee will be notified in writing at least two weeks before the change comes into effect. Under emergency circumstances, the Principal will work with individual employees to make alternative arrangements to cover required work hours.

The specific work hours in the Administrative offices for EFN-EA will be assigned by the Assistant Director and contained in the employee Letter of Appointment. Should the required hours for an individual employee need to be changed at some point during the year, either as a permanent change or a temporary change, the employee will be notified in writing at least two weeks before the change comes into effect. Under emergency circumstances, the Assistant Director will work with individual employees to make alternative arrangements to work hours.

Department Directors shall set-up the "sign-in and sign-out" protocols for his/her/their Departments.

Independent contractors shall work such hours as are specified in his/her/their contracts.

All employees shall sign-in and sign-out as directed by the Department Directors, usually at the reception desk, upon reporting to work. Employees who are unable to sign-in or out because they have been required to be elsewhere at a place other than their usual place of work, may have the Department Director or Receptionist initial the time card or attendance record form, but upon his/her/their return must sign-in.

Employees that are away from the office during the work day must complete the required form which documents the purpose of their absence. These forms must be submitted along with time sheets for the calculation of the weekly payroll.

All employee wages shall be calculated pursuant to the time recorded on his/her/their attendance records, sign-out sheets and time sheets.

Any entries on the time sheet for overtime, leave and/or vacation must be accompanied by an approved overtime/leave application.

7.2 Absence or Lateness

If an employee is unable to report for work at the assigned time or will be late, he/she/they must contact the Receptionist, his/her Director/Manager/Supervisor and/or the Assistant Director immediately. Repeated lateness or tardiness will be subject to disciplinary action.

EFN-EA employees who expect that they will be late or absent from work must notify his/her/their Director/Manager/Supervisor within thirty (30) minutes of the start of his/her/their workday. The employee will provide a valid reason for their absence/lateness and give indication of when

he/she/they expect to be available to work.

Absence from work for three (3) consecutive days without notification to the EFN-EA will be considered a voluntary abandonment of position.

7.3 Overtime

Overtime is generally not permitted anywhere in EFN-EA. If overtime is required it must have prior approval from the Assistant Director for all Department Directors and from the Department Director for all department staff.

7.4 Severe Weather and Emergency Closing of EFN-EA

The EFN-EA school, offices and operations will not close except under unusual circumstances. EFN-EA will be following the closure policy/decisions of the local School District.

To confirm school closure announcements, please call the Snowline: 506-523-0900.

In the event of other emergencies/circumstances and EFN-EA has to cancel operations or closed, information will be made available as quickly as possible through a variety of communications resources including a recorded message on the office answering machine and a message posted on the school's official Facebook page.

Employees are expected to be at work, unless EFN-EA is officially closed. Employees are expected to exercise judgment regarding his/her/their ability to travel safely to and from work. However, employees that choose not to travel for work on a day when EFN-EA has not been closed for weather related or emergency reasons, may either use annual leave or take the day off without pay.

If appropriate, an employee may negotiate the ability to work from home for a period of time, and must receive prior written approval from his/her/their Director.

8 Performance Measurement Process

8.1 Employee Work Plans

Annually, each employee shall meet with his/her/their Director (plus Manager/Supervisor as appropriate) to develop an Annual Work Plan which outlines anticipated goals, specific program and project service objectives and specifies tasks and responsibilities that he/she/they will deliver over the coming year.

Each month, the employee and his/her/their Director (or Manager/Supervisor as appropriate) will meet to discuss the status of activities the previous month and any changes and or alterations that need to be incorporated in the following month. Each employee shall be responsible for maintaining a current copy of his/her/their own Work Plan and providing his/her/their Manager/Supervisor with any updates as discussed and approved by the Manager/Supervisor.

The Director (plus Manager/Supervisor as appropriate) will assess each employee's performance annually based on how the employee met, did not meet, and/or exceeded his/her/their approved Annual Work Plan.

8.2 Annual Employee Evaluation Criteria

The Department Director, with input and involvement from his/her/their direct Manager/Supervisor using the established evaluation systems and forms, will evaluate each ongoing employee. A term employee who works for the EFN-EA for a period longer than six months shall be evaluated using the established Performance Appraisal systems and forms.

The Human Resources Officer will work with all Directors to ensure that every employee has an

employee evaluation completed annually. The Human Resources Officer will inform each Director of the employees within his/her/their department to be evaluated.

Upon completion of the Annual Performance Appraisal, a signed copy of the forms (signed by both the employee and the Director (plus Manager/Supervisor as appropriate) will be placed in the employee's Human Resources file. The employee will be given a copy of the forms.

8.3 Performance Management

The employee performance evaluation process, including goal setting, performance measurement, regular performance feedback, employee recognition, and documentation of employee progress, ensures the success of our organization. The performance evaluation process—done with care and understanding—helps employees see how their jobs and expected contributions fit within the bigger picture of our organization.

Documented employee performance evaluations are communication tools that ensure the Manager and his/her/their reporting staff members are clear about the requirements of each employee's job. The employee performance evaluation also communicates the desired outcomes or outputs needed from each employee's job and defines how these will be measured.

The goals of employee performance evaluation are to provide an effective employee evaluation and an overall performance process to ensure the employee and the Manager are clear about the employee's goals, required outcomes or outputs for the year as documented in the Annual Work Plan, as well as how each employee's successes and contributions will be assessed.

The goal of the employee performance evaluation process is to focus on employee development and organizational improvement. The employee performance evaluation helps employees accomplish both personal development and organizational goals. By initiating the process with a self assessment, the employee has the perfect opportunity to demonstrate the ways that he/she/they has contributed and improved the functioning of his/her/their job or department in which they work. Upon reflection on the year passed, an employee may better understand the personal development that they require or the areas in which there is room for improvement. The act of writing down goals takes the employee one step closer to accomplishing those goals.

Since goals, deliverables and measurements are negotiated in an effective employee performance evaluation, the employee and the Manager are committed to achieving those goals. The written personal development goals are a commitment from the organization to assist the employee to grow in his/her/their career.

Employee performance evaluation provides legal, ethical, and visible evidence that employees were actively involved in understanding the requirements of their jobs and their performance. Especially when that evaluation begins with the employee's input as to what organizational improvement has been driven by them (the self-assessment). The commitment that employees will feel toward their own development will be all the stronger for having been a part of setting them. The accompanying goal setting, performance feedback, and documentation ensure that employees understand their required outputs/performance expectations.

The Board of Commission will conduct and approve the evaluation for the Director of Education and Assistant Director. The Assistant Director shall conduct and approve the evaluations for all Department Directors and staff who directly report. The Department Directors will review and approve the evaluations for all employees in his/her/their departments.

The Process for conducting the annual Performance Appraisal is as follows:

- Each employee will be directed (by his/her/their Director and/or Manager/Supervisor as appropriate) to complete a self-assessment for the period of the review (usually the past year).

- The Director (plus Manager/Supervisor as appropriate) will conduct an assessment of the employee's performance against the work plan and the "Employee Performance Review."
- The Director (plus Manager/Supervisor as appropriate) will have a meeting with the employee to review and discuss the two (2) assessments and evaluation forms. In the event of an inconsistent review, the evaluation conducted by the Department Director will stand.
- Both the employee and Department Director shall sign both completed forms. The employee will sign signifying acknowledgement/agreement with the assessment. If the employee does not agree with the Performance Review, he/she/they may ask for the appraisal process to be reviewed by the Assistant Director.

In the event of a disagreement, the Assistant Director may take the file to the HR Advisory Committee who will:

- Review both forms as completed by the employee and the Director and may meet either individually or together with them both to discuss the evaluation. Once the AR Advisory Committee have completed the review, their findings will be presented to the Assistant Director and as appropriate the Director of Education. The findings of the Assistant Director will be final.

9 Workplace Professionalism and General Policies

9.1 Dress Code / Personal Appearance

All employees are expected to dress and groom in accordance with professional standards. The Assistant Director is responsible for establishing a dress code appropriate to the various jobs performed within the organization. Employees are expected to be clean and well-groomed and dressed in a manner that adheres to safety guidelines.

All employees whose job requires the wearing and use of safety equipment will be informed upon hiring and/or if circumstances or regulations change. Employees who do not comply with the requirement to properly wear personal safety equipment (including boots, hard hats, safety eyewear and/or other articles) will be subject to disciplinary action.

EFN-EA is a scent free workplace; employees are not to wear any perfumes, colognes and/or body spray while working or attending meetings on behalf of EFN-EA.

9.2 Smoking Policy

In compliance with local and provincial regulations the EFN-EA school, offices, office building and all EFN-EA vehicles are designated non-smoking.

9.3 Telephone, Mail and Fax Policy

No long-distance personal calls are allowed using EFN-EA phones. Personal local calls may be made if they are for emergency purposes.

The EFN-EA's address is not to be used as a personal mailing address. Do not put personal mail in the stacks that are to be run through the postage meter.

Faxes are not to be used for personal use.

9.4 Cellular Phone Use

Cell phones and other devices provided by EFN-EA are only to be used for approved EFN-EA business. Employees are not to use an EFN-EA cellular phone or other device to make or receive personal phone calls, send personal text messages, read and respond to personal e-

mails, leave messages or surf and download from the Internet.

EFN-EA is aware that employees utilize their personal cellular phones during work time. Cell phones are, however, a distraction in the workplace. While working, employees are requested to put their personal phones away and not use them unless for emergency purposes. To ensure the effectiveness of meetings, employees are asked to leave cell phones at their desk. Or, on the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be carried to the meeting on vibrate mode.

EFN-EA, in compliance with the new provincial regulations, prohibits employee use of cellular phones (whether personal or EFN-EA supplied) while driving, unless a hands-free device is used.

The prohibition of a cell phone or a similar device used while driving includes: receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages. Additionally, employees are not to use their cell phones during regular business hours for any other purpose than those related to his/her/their employment; the business; our clients; our vendors/suppliers; or other EFN-EA responsibilities performed for or in the name of the EFN-EA; or any other EFN-EA related activities not named here.

Employees who violate this policy will be subject to disciplinary actions, up to and including employment termination.

9.5 Software Access and Update Procedure

All EFN-EA computers must use authorized anti-spy and anti-virus software. Employees need to inform his/her/their Director if this software is not functioning and/or about to expire.

The Department Director must authorize any Software needed by an employee to do his/her/their job, in addition to the Microsoft Office suite of products. Only an individual designated within EFN-EA may conduct the download/installation.

9.6 Internet and Email Use

Voice mail, email, and Internet usage assigned to an employee's computer or telephone extensions are solely for the purpose of conducting business. Some job responsibilities at EFN-EA require access to the Internet and require access to social media sites to conduct work related tasks. Only people appropriately authorized for organization purposes may use the Internet or access social media sites.

The Human Resources Officer will insure each employee whose position requires the use of email, that an EFN-EA personal email address is created. Only assigned individuals may use the general email address of the organization (eg. info@elsipogtogschool.ca,...)

Employees are only permitted to use EFN-EA assigned emails while at work and for work purposes. Employees cannot use personal email addresses during work to conduct personal or EFN-EA business. Note: if an employee uses his/her/their personal email during work and or to conduct EFN-EA business, those emails automatically become the property of EFN-EA.

Email is also to be used only for work related business purposes. Confidential information must not be shared outside of the organization without authorization. There shall be no personal usage of EFN-EA computer and/or email systems. Please keep this in mind when considering forwarding non-business emails to associates, family or friends. Non-business related emails waste time and attention.

Employees must not use EFN-EA supplied email addresses for non-work related postings to chat groups, discussion groups, chat, online auctions, Facebook, Twitter, Instagram, on-line groups or web pages, or other social media platforms.

Employees are not to engage on the Internet in any personal political activity that is outside the

mandates of EFN-EA and guidelines set by EFN-EA.

Employees must not circulate email chain letters, jokes, etc. on EFN-EA workstations.

Internet use is only to be conducted during work hours and only for work related activities. Internet use brings the possibility of breaches to the security of confidential organizational information. Internet use also creates the possibility of contamination to the EFN-EA system via viruses or spyware. Spyware allows unauthorized people outside the organization potential access to EFN-EA passwords and other confidential information.

Removing such programs from the network requires IT staff to invest time and attention that is better devoted to progress. For this reason, and to ensure that work time is being used appropriately, all employees are asked to limit Internet use.

Individuals using EFN-EA equipment to access the Internet are subject to having activities monitored by system or security personnel. Use of this system constitutes consent to security monitoring, and employees should remember that most sessions are not private.

Additionally, under no circumstances may EFN-EA computers or other electronic equipment be used to obtain, view, or reach any pornographic, or otherwise immoral, unethical, or non-business-related Internet sites. Doing so will lead to disciplinary action up to and including termination of employment.

All employees shall also refer to the EFN-EA Internet, Email and Computer Use Policy.

9.7 Emails and Internet Sites that Discriminate or Violate Criminal Code

Viewing pornography or sending pornographic jokes or stories via email is considered sexual harassment and will be addressed according to the EFN-EA Harassment policy as well as is defined in the Internet, Email, and Computer Use Policy.

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, and so forth, will be dealt with according to the harassment policy. These emails are prohibited at EFN-EA. Sending or forwarding non-business emails will result in disciplinary action up to and including termination of employment.

9.8 Elsipogtog First Nation Education Authority Owns Employee Email

Keep in mind that EFN-EA owns any communication sent via email or that is stored on EFN-EA computer equipment. Management and other authorized staff have the right to access any material including employee emails or information stored on any computer. Please do not consider electronic communication, storage or access to be private if it is created or stored at work.

9.9 Social Media, Professional and Personal Considerations

Social Media is the creation, sharing and exchange of social interactions and media among people in virtual communities and networks. It takes on many forms, including the innocent sharing of a photo album and forwarding of jokes, pranks and images but also includes damaging slander, cyber bullying and worse. There are numerous websites that are used for social media; some of the most commonly known include: Facebook, Twitter, Instagram, LinkedIn and others.

Regardless of whether at home, on personal time, or at work the employee must refrain from Social Media interactions that include any commentary (negative or positive) about their employer (EFN-EA) including all individuals elected to EFN council, or anyone else employed by the Nation, its partners, suppliers, clients, members and any other organization affiliated with the EFN-EA.

Employees must never post or forward defamatory or derogatory comments, postings, pictures, graphics or other such messages on a social media site.

Employees should always remember that he/she/they are bound by the confidentiality and privacy clauses of this policy in all instances and at all times. This effectively means that there can be no expectation of maintaining a private life or private attitudes that are completely consequence free. Regardless of whether positive or negative, engaging in political commentary on or through any social media is forbidden for the sake of maintaining public confidence in the professionalism of all EFN-EA employees.

Employees violating this may subject to disciplinary action up to and including termination.

9.10 Office Master Keys and Security Code

Only designated employees will be issued office/building door keys.

Employees issued office/building keys will be listed on the security system call list and be taught how to operate the buildings' alarm systems.

In the event that a key is lost or stolen, the employee is responsible for reporting it to his/her/their Manager immediately. The employee may be responsible for the cost of replacing keys and changing the locks.

Only employees who have successfully completed their probationary period will receive keys to the office/building or passwords for the security system.

9.11 Care and Use of EFN-EA Property and Equipment

Misuse of EFN-EA property or equipment is not allowed. Abuse of this section will lead to disciplinary action.

Any equipment, machines, computers, cellular telephones and supplies that are used by employees are to be signed out with the Manager, particularly when such items are taken off site for use. A copy of the authorization forms will be placed in the employee's Human Resources file.

Any equipment broken or destroyed while in the care of an employee (outside of normal wear and tear) will be the responsibility of that employee to repair or replace.

In the event of theft, the Manager in consultation with the Assistant Director may review the circumstances to determine responsibility for replacement and to assess which notification procedures are required.

9.12 Restricted Areas and Building Security

In the interest of safety and security all new employees will be advised as to which entrances and exits they are permitted to use throughout EFN-EA school, offices and other facilities.

Employees are responsible for locking their own computers and turning off his/her/their office lights at the end of each day. The last employee leaving the building must ensure that all doors and windows are locked and the security alarm set.

If an employee accidentally sets off the alarm, he/she/they must turn the alarm off, call the appropriate security system provider immediately, and state his/her/their name and secret password. Directors should be made aware of the incident.

9.13 Use of Vehicles for Work and During Work Hours

EFN-EA vehicles may only be used by employees when on EFN-EA business and only for EFN-EA business. In the event that an EFN-EA vehicle is not available, the employee may seek travel mileage under the EFN-EA Finance Travel Policy. If an employee wishes to use his/her/their own personal vehicle for EFN-EA business and an EFN-EA vehicle is available, no travel mileage will

be compensated.

Employees driving either their own vehicle or an EFN-EA owned vehicle must ensure they have a valid New Brunswick Driver's License.

Employees seeking to use their own vehicle must first have prior approval of his/her/their Manager and must sign a waiver releasing EFN-EA of any liability or insurance.

Only EFN-EA employees and/or clients/authorized passengers may travel in an EFN-EA vehicle.

EFN-EA requires that there is sufficient business insurance coverage for employees required to use his/her/their own personal vehicle when using it for EFN-EA purposes.

Parking and other traffic violations will be the responsibility of the employee. In the case of an accident, the employee is responsible for the insurance deductible.

Operating a vehicle while under the influence of drugs or alcohol will result in immediate dismissal.

9.14 Political Activity and Voting

EFN-EA encourages all employees to be interested and involved politically. However, no campaigning shall occur on school property including wearing campaign buttons, distributing pamphlets or information, or displaying campaign posters.

Employees are encouraged to participate within the following parameters:

- i. Join and fully participate in the political party of their choice and to be involved in other political activity;
 - Provided that the participation in the party or other political activity does not adversely affect the employee's performance or compromise the duties and responsibilities of their position
- ii. Vote in elections of the EFN when registered as a member of EFN and to vote in federal, provincial and municipal elections
 - Every employee who is a voting member and of voting age is entitled, during voting hours on polling day, to have four (4) consecutive hours for the purpose of casting his/her/their vote. Employees are encouraged to take the opportunity to vote either at the beginning or the end of the period the polls are open.

9.15 Running For Office

EFN-EA supports its employees to run for public office in a way that encourages transparency and accountability of government. Any employee who:

- i. Seeks election to the EFN Council will:
 - Upon deciding to run for the positions of Chief or Council member the employee will inform the Assistant Director and request a leave of absence without pay for the duration of the campaign (6 weeks), until a time when the election results are confirmed
 - If the employee is elected as Chief or elected to Council he/she/they will immediately tender, in writing, a letter of resignation of his/her/their employment effective on the date of the confirmed election result
- ii. Seeks election at the Federal, Provincial, or Municipal level will:
 - Upon deciding to stand for election at federal, provincial or municipal level, the employee shall inform the Assistant Director in writing and request a leave of absence without pay for the duration of the campaign (from close of nominations to the election), until the time when the election results are confirmed
 - If the employee is elected to Public Office he/she/they will immediately tender a letter of resignation of their employment, in writing, which will be effective on the date of the confirmed election results

- iii. Seeks election to the Board or Executive of an associated or affiliated association, organization or corporation;
 - An employee who decides to run for a position on a Board or Executive of an association, organization or corporation is permitted to do so providing it does not adversely affect the employee's performance or compromise the duties and responsibilities of his/her/their position. Prior to accepting a nomination or putting forward his/her/their name, the employee must inform the Assistant Director and seek approval.

10 Discipline Policy

10.1 Disciplinary and Reprimand Procedures

EFN-EA seeks to establish and maintain a safe and productive work environment and to establish effective and efficient operational and administrative practices and procedures. Failure by an employee to adhere to these established policies and procedures might result in disciplinary action. It is the responsibility of each employee to know and understand the terms and conditions of EFN-EA's policies and procedures, including the HR Policy and other established rules.

The EFN-EA subscribes to the principles of progressive and corrective discipline. If an employee is felt to be in violation of any of the EFN-EA's policies, procedures or other established regulations, he/she/they will be subject to the following Progressive Reprimand Process.

The Assistant Director, is responsible for all disciplinary processes. The Assistant Director will follow the progressive disciplinary process described below, and/or in the case of a serious violation may move immediately but temporarily to suspend an employee pending investigation, before moving through the reprimand process. Department Directors must inform the HR Officer prior to initiating a progressive disciplinary process (or immediately following a serious incident that may result in a possible/actual disciplinary process).

10.2 Progressive Reprimand Procedure

A) Verbal Warning

The first violation by an employee will be addressed with a verbal warning. The Department Director, with input from the direct Manager (or the Assistant Director in the case of a matter with a Department Director) as appropriate, will initiate any verbal warnings. An employee will be given a verbal warning in a private meeting with the Assistant Director and/or direct Manager. The employee will be told what action will be taken if another violation occurs. The Human Resources Officer will be informed and a record of this meeting will be placed in the employee's Human Resources file, which shall be maintained by the Human Resources Officer who will attend all meeting and take minutes.

B) Written Warning

The second violation by an employee will be addressed with a written warning. The Assistant Director with input from the direct Manager, as appropriate, will initiate the written warning. The employee will be given the written warning in a private meeting with the Assistant Director and direct Manager. The employee will be told what action will be taken if a further violation occurs. Documentation of the meeting will be prepared by the Assistant Director and include a statement of the facts and subsequent action should another violation occur. A copy of the written warning will be given to the employee. The HR Committee will be informed and a record of this meeting will be placed in the employee's record, which shall be maintained by the Human Resources Officer who will attend all meetings and take minutes.

The third violation by an employee will be addressed with a final written letter and notification of further measures such as deduction of pay, suspension, or termination, if justified.

The Assistant Director with input from the direct Manager and legal advice as appropriate, will provide the written notice. The employee will be given the written warning in a private meeting with the Assistant Director and direct Manager as well as at least one other member of the Senior Administrative Team. If this is the final notice, the letter will include notification of the terms of the termination. A record of this meeting will be placed in the employee's record, which shall be maintained by the Human Resources Officer who will attend the meeting and take minutes.

Two (2) written letters in a Human Resources file regarding the same issue shall result in termination of employment.

10.3 Disciplinary Suspension and Immediate Dismissal

The HR Committee (at any stage of the above progressive discipline process) may choose, in addition to giving the warning, to also suspend an employee for a period of up to one week, without pay, for any of the reasons in sections a) through e) as outlined below. Such a suspension shall be noted in the employee's Human Resources file and the Department of Finance informed. The HR Committee upon seeking legal advice, may determine that an employee must be immediately dismissed for any of the reasons in sections f) through j) as outlined below.

Reasons for initiating a Suspension or Dismissal process can be:

- a) Nonperformance or inadequate performance of employment.
- b) Blatant disregard for established EFN-EA policies and procedures.
- c) Irregular attendance - frequent unexcused absences, tardiness, and excessive use of sick leave.
- d) Performance or action that is either disrespectful or brings disrespect to the EFN-EA.
- e) Other valid disciplinary reason as determined by the Department Director in conjunction with the Assistant Director.

Reasons (just cause) for immediate dismissal can be for:

- f) Gross misconduct - violation of rules where carelessness or recklessness results in endangerment to self or others, disorderly conduct, theft, falsifying records, attendance at work under the influence of intoxicating substance, negligence.
- g) Threats or violence - where an employee threatens to or actually causes physical harm to another employee, a member of the Board of Commission, the Board of Directors, the Community Advisory Committee and/or to any other person.
- h) Breach of confidentiality - where an employee breaches the confidentiality without written permission from the student, parent/guardian and/or the organization, or if an employee breaches any of the terms and conditions of the Code of Conduct, Code of Confidentiality or the Conflict of Interest policy.
- i) Misrepresentation or falsification of information on the application for employment including but not limited to information regarding previous work and educational history, medical status, criminal record, valid driver's license.
- j) Conviction of a criminal offence that would have a direct and or detrimental impact on the operation and reputation of EFN-EA.

In the case of a disciplinary suspension and/or dismissal the employee will be called to a meeting with the Assistant Director, and as appropriate the HR Committee, and given the opportunity to state his/her/their case. A decision will be made to impose suspension and/or dismissal as recommended by the Assistant Director. The meeting will be documented and noted in the Human Resources file of the employee involved. A written letter of the reasons for suspension and/or dismissal shall be provided to the employee.

10.4 Discontinuation of Employment

The Assistant Director, and as appropriate the Director of Education, has the final authority and

responsibility for the dismissal and/or termination of all employees of EFN-EA (with the exception of the Director of Education and Assistant Director who are the responsibility of the Board of Commission as a whole).

11 Grievance Policy

Work related problems can arise in any place of employment. We hope individuals will try to reconcile differences on an individual basis. Should it not be possible to resolve a problem quickly and fairly, EFN-EA has developed a grievance procedure using the following steps:

1. If an employee has a problem with another employee, he/she/they should notify his/her/their Director/Manager informally and attempt to resolve the matter directly with the individual(s). Most difficulties can be settled promptly at this point. Where an informal, verbal, resolution has failed, the employee shall notify his/her/they Department Director in writing no later than 30 working days after the incident. The Director shall inform the Assistant Director immediately and together they will respond in writing within five (5) working days of meeting with both (all) employees and the other individual(s) involved. (If the grievance is with a Department Director and/or the Assistant Director, the employee may take the grievance directly to the Director of Education.)

2. If the problem is still not resolved to the employee's satisfaction, he/she/they (and a co-worker of his/her/their choice, if desired) may verbally explain the problem to the Assistant Director or the whole Senior Administrative Team; or he/she/they may instead submit the problem to the Assistant Director in writing. This step should be taken within five (5) working days following the Department Director's decision or within 30 days of the incident that gave rise to the grievance, whichever is later. If the circumstance requires it, the Assistant Director will conduct an investigation. Following the investigation, the Assistant Director will respond in writing within five (5) days of completing the investigation to the grievance. The Assistant Director shall render a final decision on the grievance after hearing all sides.

As an organization dedicated to healing and wellbeing, EFN-EA also encourages employees to take a more culturally relevant approach to resolving conflict in the workplace. The EFN-EA would be happy to support an employee who wishes to use another approach such as requesting the HR Advisory Committee to review the case or to bringing in an Elder Advisor and/or implementing a healing circle to resolve a grievance. Following the work of the Healing Circle and on its recommendation, the Assistant Director will make a final and binding decision on all parties.

12 Harassment Policy

Elsipogtog First Nation Education Authority believes in promoting a harmonious, safe work environment and has zero-tolerance towards harassment (examples include, but are not limited to, humiliation, social exclusion, sexual harassment, sexualizing, threats, gossiping, lateral violence, swearing, ostracizing, bullying, racism, homophobic remarks, cyber bullying, religious discrimination, etc.)

All Senior Administrative Team members are role models for staff and must maintain and enforce appropriate workplace behavior. However, each employee has the responsibility to treat others (fellow employees/contractors/students/parents/clients) with respect and has the right to speak up, to the appropriate person, if he/she/they or someone else is being harassed or treated disrespectfully in the workplace.

This policy is intended to protect employees from harassment (as stipulated in the Human Rights Code of Canada) based on any of the following: race, national or ethnic origin, social origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation. Further, all harassment, no matter its basis, is unacceptable and not permitted and will not be tolerated.

12.1 Lateral Violence

“Lateral violence” is a learned behavior that for many Indigenous people is deeply rooted in our past. It stems from the oppression that many First Nation people have felt for so many generations. It is when people act out in rage, anger and frustration against members of our Nation, our co-workers or our family. It manifests as ugly competition among members, co-workers and families. It presents in numerous ways such as jealousy, blaming, put-downs, shaming, envy, sarcasm, bickering, whining, ignoring, excluding or freezing people out, undermining staff or co-worker activities, blocking requests for promotion or training, and backstabbing.

The EFN-EA understands this frustration and anger, sympathizes, and encourages its employees to try and turn their anger and frustration into helpful and constructive action that will rebuild the community. While the EFN-EA understands the basis for this anger and frustration, lateral violence is a form of harassment and EFN-EA will not tolerate lateral violence against any of its employees.

12.2 Definitions

The Human Rights Code defines harassment as “vexatious (distressing) comments or conduct that is known or ought reasonably to be known to be unwelcome”. It is any behavior that embarrasses, demeans or humiliates a person. Harassment can be a series of actions repeated over some period of time. It can also be a single incident. The following definitions explore many of the types of actions and activities that will not be tolerated and are considered forms of harassment.

“Bullying” - the use of any and/or all of the above techniques to temporarily elevate oneself or one’s needs above that/those of the intended victim, to use the techniques to accomplish a benefit to the perpetrator.

“Cyber-bullying” - bullying which is aggravated by the use of electronic mediums such as email, blogging and social media platforms.

“Gossiping” - relaying personal information without consent and/or the discussion of events or happenings that the victim does not want repeated or spoken of and/or the making of judgmental suggestions of, or about, a person or persons.

“Homophobic remarks” - remarks or statements made regarding any aspect of the preferences or demeanor of anyone whose sexuality lies outside of heterosexuality.

“Humiliation” - purposefully intentioned belittling or diminishing negative comparison or references that is witnessed by others that the victim wishes to be thought of highly by (e.g. co-workers, friends,).

“Ostracizing” – (also see social exclusion) encouraging others to exclude the victim from normal interaction.

“Racism” - to hold in contempt any aspect or any individual, government or group consisting of persons from a culture, nationality, class or race of persons different from one’s own.

“Religious discrimination” - discrimination or disdain on the basis of a person’s religious belief.

“Sexual Coercion” is sexual harassment which has a direct consequence on the victim’s employment; where there exists either an open or an implicit suggestion that keeping a job or getting a promotion is made by a supervisor in exchange for sexual favors.

“Social exclusion” - purposeful and intentional leaving out of the victim for no obvious reason from conversations or activities, this could also be demonstrated by the immediate shut down of a conversation when the intended victim comes within earshot, or the cessation of fun antics as the victim approaches a grouping involved in some lighter or harmless joking or play.

“Sexual harassment” - is any conduct, comment, gesture, or contact of a sexual, intimate or personal nature that is likely to cause offence or embarrassment to a person; or that might, on

reasonable grounds, be perceived by an employee as placing a pressure of a sexual nature on current employment, the chance of further employment, training or promotion.

“Swearing” - is the use of profanity, speaking offensively or derogatorily.

“Threats” - use of language (written or verbal) or body language (suggestive motions) that implies either overtly or implicitly how damage or destruction will be perpetrated upon the victim or on property belonging to the victim.

12.3 Harassment Committee

EFN-EA with the support of legal advice, will establish a Harassment Committee that will be responsible for investigating and resolving complaints concerning instances of harassment as may arise in the organization. The Harassment Committee shall be composed of four (4) members who are appointed by the HR Committee:

- one (1) staff, as recommended by fellow staff
- one (1) manager, as recommended by fellow Managers/Directors
- one (1) member of the Senior Administrative Team
- one (1) elder, as recommended by the Director of Education (the elder cannot be working for EFN-EA)

The employees in each Department shall be asked annually to identify individuals from within his/her/their department they feel would be appropriate and suitable members of a future Committee. Individuals will be selected as appropriate, from the recommended names and will be appointed to the Harassment Committee in response to each individual case.

In all circumstances, the Harassment Committee’s determination of appropriate actions must take into account its duties under the Canadian Charter of Rights to properly resolve any/all complaints. Potentially criminal behavior (e.g. assault, sexual assault, death threats, etc.) must also be addressed to the police.

As previously mentioned, EFN-EA hopes individuals will try to resolve complaints on an individual and informal level before taking further actions. Often the first step is simply making the other party aware that his/her/their behavior is unwelcome or unacceptable. By letting the person/people know their behavior is bothering others, many issues can be resolved, and often a simple sincere apology and commitment not to re-offend will suffice. Should an employee(s) feel he/she/they are unable to deal with the person directly, they may approach any member of the Human Resources Committee to initiate an informal intervention. Employees may ask the Committee to deal with the issues on the employee’s behalf, or to be present when the employee (complainant) confronts the alleged offender (respondent).

However, sometimes the formal process of resolution is the most appropriate approach for allegations of harassment due to the very personal and sensitive nature as well as in consideration of all legal responsibilities and liability. The formal process may be implemented when the informal procedure fails, or if the complainant believes the informal approach to be inappropriate. The respondent also has the opportunity to request a formal investigation. In all cases, the Harassment Committee shall become involved and help to resolve the problems.

The time limit to file for a formal complaint is thirty (30) working days from the last incident, in compliance with the Canadian Charter of Rights. During any part of the investigation, the complainant has the right to drop his/her/their complaint without any penalty.

In order to file a formal complaint, employees may contact either their Supervisor, the Assistant Director or any member of the Senior Administrative Team. The person whom the employee(s) has contacted will ensure the employee(s) is/are aware of the various avenues that may have to be addressed as the complaint is processed.

Throughout this process it is critical that the employees must be made to feel safe. EFN-EA has a strong commitment to ensuring that simply by starting a complaint or initiating a process an employee must in no way feel or be further victimized.

If the employee(s) wishes to proceed, they will be asked to supply the following information:

- Name(s) and position(s) of Complainant(s);
- Name(s) and position(s) of Respondent(s);
- Details of what happened (the facts and the history of the conduct, including the time and location, including electronic records or evidence of the conduct);
- Names of any witnesses

All this information shall be placed in an envelope marked confidential and delivered to the Human Resources Officer. Upon receiving this envelope, a Harassment Committee shall be immediately established to determine how best to conduct the investigation process. Upon receipt of the complaint, the Human Resources Officer has three (3) days to seek legal advice and establish the Harassment Committee and the Harassment Committee has five (5) days to complete their initial investigation and make a decision as to next steps.

Once the process has been completed and a complaint is upheld, the remedies for the complainant include, but are not limited to:

- Oral and/or written apology from the respondent and/or EFN-EA;
- Replacement of what was lost as a result of the complaint (e.g. Wages);
- Compensation of any lost employment benefits such as sick leave

Outcomes for the respondent if the complaint is upheld may include a variety of approaches, ranging from counseling, training, transfer up to dismissal with or without notice should the Harassment Committee and the EFN-EA see fit.

In the rare instance where it is revealed that a complaint was made in bad faith, appropriate actions may be taken against the complainant including discipline, up to dismissal.

Any retaliation against any party involved in a complaint will not be accepted by EFN-EA and will result in immediate disciplinary action.

The HR Officer shall keep all formal complaints on record for seven (7) years. These files shall be secured and confidential, and after the seven-year time frame they shall be destroyed. The provisions of the Freedom of Information/Protection of Privacy Act shall govern access to confidential files of formal complaints.

All parties involved in a complaint (Complainant, Respondent, Witnesses, Harassment Committee and any Supervisors/Directors/ Assistant Director) shall keep all information concerning the complaint strictly confidential. The circumstances of the complaint will not be disclosed to any person(s) except where disclosure is necessary for the purpose of the investigation. Any breach in confidentiality will be dealt with severely by EFN-EA.

EFN-EA recognizes that experiences with harassment can be difficult for all parties involved and is devoted to providing support, information and opportunities on how to cope. The Assistant Director can provide support to staff, as well as further education and information on conflict resolution skills.

12.1 Punitive Measures

If the complaint is upheld, the outcomes for the respondent may include a variety of approaches ranging from counseling, training, transfer and/or suspension and may be up to dismissal with or without notice.

12.2 The Victim's Recompense

Dependent on the nature and seriousness of the harassment, EFN-EA and/or a legal advisor contracted to oversee the investigation/hearing will prescribe appropriate compensation. These may range from apologies to fines.

12.3 Dissatisfaction with Process

If either party involved in a complaint is dissatisfied with the results of the investigation, they have the opportunity to file an appeal with an external mediator. These appeals may be based on irrational evidence, errors in laws during the investigation, denial of fairness during the process or disagreements with existing contracts or the Human Rights tribunal. The cost of the mediator will be shared equally between the employee and EFN-EA.

12.4 Retaliation

Any retaliation against any party involved in a complaint will not be tolerated by EFN-EA and will result in discipline. The person who feels a need to act out against any other party involved in a harassment proceeding will be duly subject to the disciplinary process up to and including immediate dismissal.

12.5 False Accusations

In the rare chance where it is revealed that a complaint was made in bad faith, appropriate actions may be taken against the complainant including discipline, up to dismissal. The same corrective or punitive action(s) will apply to anyone making a false accusation as would have been prescribed for the (now wrongly) accused party.

13 Wages, Salaries, Payday and Benefits

13.1 Annual Wages and Salaries

As budgetary conditions permit, it is EFN-EA policy to award increases to employees for their contribution to the growth of the EFN-EA based upon:

- increase in assigned duties and responsibilities (expansion of job description), and / or
- outstanding performance as determined during the annual Performance Appraisal process.

Granting of an increase in salary is based on individual performance and granted on an individual basis. The Grid for teachers reflects the provincial teachers' standard grid

Every employee is eligible for consideration for a merit increase; however, merit increases are not automatic. Following the completion of all annual Performance Appraisals, each Director (with input from Managers) may submit a request for specific individual increases to the Assistant Director. The Assistant Director in consultation with the Senior Administrative Team shall consider all recommended increases and will grant increases, as budget and merit allow, subject to overall financial position of EFN-EA and within the scope of the wage grid as established for the position. Approval of the annual budget will not automatically result in an increase in wages of employee(s).

Under no circumstances shall an employee receive an advancement of wages or salary.

13.2 Salary & Wage Grid

The HR Committee, the Department of Finance and the Assistant Director shall review the EFN-EA Salary & Wage Grid every three years to determine if there needs to be any adjustments and/or alterations. The Department of Finance and the Assistant Director will make recommendations to the EFN-EA Board of Directors any recommended changes to the Grid with supporting evidence

and budget analysis. Increases will only be made if overall cash flow and approved budget allows. Once they have completed their analysis, the Board of Directors will approve any changes to the salary grid.

Each position in the EFN-EA, based on the approved job description, will be placed on the Wage Grid. The Department of Finance and the Human Resources Officer will assess the specific placement of new individual employees hired to work for EFN-EA based on his/her experience and background. That placement will be assessed each year following the Performance Appraisal process to determine if the individual should be granted an increase.

Once an employee reaches the top step of the EFN-EA wage grid for his/her/their position, his/her/their salary is capped. Only if an overall increase is approved for the wage grid, will an employee be awarded any future increase in his/her/their wages.

If an employee transfers to another position within EFN-EA, previous vacation entitlement and related benefits will be transferred with the employee, but placement on the Grid will be based on the position and the individual's capacity to meet the required qualifications in the new position.

Any changes in an employee placement on the Wage Grid and/or actual salary will be indicated to the individual in writing. Only upon receipt of a written letter of confirmation will any changes in payroll be enacted.

13.3 Pay Days and Submission of Time Sheets

EFN-EA paydays shall occur every two (2) weeks for all employees and include the two-week period prior to that payday.

Each employee is expected to sign in and out daily, see Section 6 Hours of Work above. The Department Director and/or Manager/Supervisor are to approve all timesheets for processing by Department of Finance (payroll).

13.4 Bi-Weekly Payroll

All full time EFN-EA employee pay will be directly deposited by the EFN-EA into the employee's personal Bank Account. All employees will be required to provide necessary banking information to the Department of Finance in order that their pay may be deposited directly into a savings or chequing account.

Cheques will be issued for short-term employees but will only be released to the named employee. Only under an extreme case of death or severe medical emergency involving the employee and with the signature of the Department Director and the Financial Officer shall a cheque be released to an immediate family member and/or a designated third party.

No payroll advances will be made.

13.5 Payroll Deductions

The mandatory deductions will be made from every employee's gross wages where applicable. These deductions may include Federal and Provincial Income Tax, Canada Pension Plan, Employment Insurance, Group insurance plan premiums, and any other required legislated, departmental or Nation deductions, as well as any mandatory employee benefit plan contribution payments.

Every employee must fill out and sign a federal withholding allowance certificate (TD-1) on or before his/her/their first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new TD-1 once a year and at any time when his/her/their circumstances change.

Every employee will receive a T-4 for the preceding year on or before February 25th. Any

employee who believes that his/her/their deductions are incorrect for any pay period, or on the T-4, should check with the Department of Finance immediately.

Overpayments on travel shall be deducted as per the criteria as stated on the “payment request form.”

14 Work Life Balance - Holidays, Vacation, Family and Other Leave

EFN-EA is committed to ensuring its employees maintain a healthy work life balance and as such encourage staff to take entitled vacation days and to enjoy all designated holidays.

The Department of Finance will maintain a log of all individual employee use of leave throughout the year and will provide a quarterly report to each Department Director on use of leave for each employee in his/her/their department. A copy of this report will be given to the Assistant Director.

14.1 Statutory and Non-Statutory Holidays

The following statutory and non-statutory holidays shall be observed by the EFN-EA:

- New Year's Day
- Family Day
- Good Friday
- Easter Monday
- Victoria Day
- National Aboriginal Day
- Canada Day
- Labour Day
- National Truth and Reconciliation Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day
- Elsipogtog Day
- New Brunswick Day
- Saint Anne's Day (if it falls on a week day only)
- Treaty Day (if it falls on a week day only)

When a day designated as a statutory/non-statutory holiday coincides with either a Saturday or Sunday and/or with the employee's normal day of rest, the holiday shall be moved to the Monday following the statutory holiday.

Should a designated non-statutory holiday fall in the middle of the workweek, EFN-EA reserves the right to shift it to either the beginning or end of the same week.

Employees are eligible to be paid for a statutory or non-statutory holiday only after working 30 days of continuous employment with the EFN-EA prior to that holiday.

EFN-EA may declare other non-statutory holiday days during a given year.

14.2 Vacation Leave for On-going Employees

EFN-EA provides on-going employees (both part time and full time) with paid vacation leave. Use of vacation leave must be pre-approved in writing. Contract Employees are paid vacation time at a rate of 4% in lieu of time off or 6% if they have worked for the previous EFN ed dept for more than 5 years.

For **all** employees of the EFN-EA the first two weeks of vacation are to be taken during the two

week closure over the Christmas and New Year break. The third week will generally be taken over the one week Spring Break. Any additional vacation time earned/eligible can be taken with the written approval of the Assistant Director for Administration employees or by the Principal for all school building employees.

Annual vacation entitlement (vacation days) for all Non-teaching full-time employees is calculated based on years of service working for EFN-EA and granted as follows:

<u>Years of Full-Time Employment</u>	<u>Yearly Vacation Entitlement</u>
First to end of fifth year (1.25 days/month)	3 weeks
Year six to ten (1.67 days/month)	4 weeks
Year eleven to fifteen (2.09 days/month)	5 weeks
Sixteen years and over (2.50 days/month)	6 weeks

For all Teaching staff, additional vacation time is to be taken between the closing of the school in the spring and the opening in the fall term.

Note: Vacation entitlement for part-time employees is pro-rated based on percentage of hours worked vs. full-time hours.

In the first year of employment, vacation entitlement earned is pro-rated from the start date of employment and thereafter from September 1st of working for EFN.

No vacation time can be carried over into the subsequent year; if it is unused in the year it will be lost to the employee.

Assistant Director, Principal and/or Department Directors are responsible for scheduling vacations. Monitoring vacation entitlement is the responsibility of the Department of Finance (payroll). Employees are responsible for planning ahead for vacation and working out a complete schedule with their Manager/Supervisor.

Vacation leave requests should be submitted to the employee's direct Manager/Supervisor by **October 30th each year**. As much as possible, leave will be granted to all members of a department in a fair and equitable manner. However, if vacation leave requests conflict with another employee in the same department, leave will be granted to the employee with the most seniority. Employees wishing to request use of vacation entitlement must submit a "Request for Leave" form to his/her/their direct Manager/Supervisor.

An employee who transfers to another department or position, so long as he/she/they maintains continuous employment through the transition, are eligible to maintain his/her/their earned vacation entitlement. Unused vacation entitlement is paid out to employees upon termination.

An employee will not be granted vacation leave if the employee has no earned time in reserve.

14.3 Term Employee Vacation Leave Entitlement

Term employees (hired on a set term with a specified start and end date) are entitled to vacation pay calculated at 4% of gross wages. If a Term employee has worked continuously for the EFN-EA for four or more years, paid vacation entitlement is calculated at 6% of gross wages.

Employees have the option to accrue the vacation pay and have it paid out in a lump sum at the end of their term or to have it included proportionately with each pay cheque.

14.4 Staff Health and Wellness School Advisory Team:

This is a volunteer staff based committee where participants self identify to the Principal at the beginning of the school year. The Facilitator is appointed by the Principal each year. The meetings which are generally held once a month, are open to all staff. Generally, the meetings will be held to discuss ideas and practices that support overall health and wellness these meetings may also

include information sessions and or special topic workshops.

14.5 Sick Leave

Please see additional terms and conditions of COVID-19 related sick and leave policy.

EFN-EA provides on-going employees with 1.25 days per month of paid “Sick Leave” throughout the year for use of illness or medical reasons. All employees shall accumulate Sick Leave at the rate of a 1.25 days per month for 10 month term contracts to a maximum of 12.5 working days OR 15 days for on-going employees to a maximum of 15 working days that can be banked if unused. At any time an employee can have no more than 12.5 days or 15 days depending on his/her/their employment status.

If an employee requires more than 12.5/15 days of sick leave he/she/they will be referred to the EI to become eligible to access the short term leave, and/or the benefit provider to explore long term health benefits.

Sick leave can only be used in half-day increments (not calculated by hours).

Sick leave is to be used for personal medical reasons. Employees are encouraged to make all personal appointments for after regular work hours and/or at the beginning or end of the work day.

Probationary employees are not entitled to take sick leave, but earned days begin accumulating upon employment.

Regular part-time employees shall accumulate sick leave credits at the rate of one (1.25) day for every twenty (20) days of work and can accumulate no more than six (6) days sick leave.

Term employees are not entitled to sick leave.

After three (3) consecutive days of absence from work due to medical reasons the employee is required to provide a medical certificate. In the case of repetitive use of sick leave, EFN-EA reserves the right to request a certified medical letter indicating required use of leave.

An employee must contact his/her/their Manager/Supervisor no later than 30 minutes after the start of the workday, should he/she/they be taking sick leave.

Employees who are injured on the job must file a Workers Compensation report. Workers Compensation Board will determine if and to what extent the injured employee is eligible for compensation and support.

An employee will not be granted sick leave if he/she/they has no leave earned.

Employees are expected to utilize his/her/their hours of work to perform assigned EFN-EA duties and not to conduct personal business. An employee wishing to conduct personal business during regular work hours will be required to use vacation or family leave time.

Unused sick leave is not paid out upon termination of employment.

14.6 Return to Work after Serious Injury or Illness

As protection for both the employee and the EFN-EA, an employee who has been absent from work because of serious illness, surgery, or injury may be required to obtain a medical certificate specifically stating that the employee is capable of performing his/her/their normal duties and regular assigned work as stated in their job description.

An employee returning from a serious injury and/or a stress related illness must provide the Human Resources Officer with a medical certificate indicating that he/she/they is ready to return to work. The employee must also provide a written “Plan of Action” approved and signed by a certified medical practitioner that shows how the individual will cope with or prevent any further incidence of injury and/or stress in the future.

14.7 Bereavement Leave

An employee shall be entitled to bereavement leave when a member of the employee's immediate family dies (See definition of immediate family in Glossary). The employee shall be entitled to bereavement leave for a period of five (5) work days. Employees may be granted one (1) day off with pay on the death of a relative who is not a member of their immediate family. This needs to be discussed with the Principal or Assistant Director.

For morning community funerals, the school will not close. Staff (who are not covered under the immediate family members clause) who wish to attend need to inform the Principal as soon as possible to see if replacement arrangements can be made. If no replacements can be found, it will be at the discretion of the Principal if the employee will be allowed to leave to attend the funeral.

For afternoon community funerals, the school may close. In the event of a closure, some teachers may be required to delay leaving for the funeral until the busses have left. If the school does not close for the afternoon funeral, staff (who are not covered under the immediate family members clause) who wish to attend need to inform the Principal as soon as possible to see if replacement arrangements can be made. If no replacements can be found, it will be at the discretion of the Principal if the employee will be allowed to leave to attend the funeral.

14.8 Maternity Leave - Without Pay

An employee who has completed six consecutive months with the EFN-EA is eligible to apply for maternity leave.

An employee who is pregnant or nursing is eligible for 17 weeks of maternity leave. In addition, an employee who assumes actual care of a newborn or newly adopted child is entitled to parental leave of up to 37 weeks. However, the total duration of the maternity and the parental leaves must not exceed 52 weeks.

An employee who is pregnant or nursing is entitled to an unpaid leave of absence during the period from the beginning of the pregnancy to the end of the twenty-fourth (24th) week following the birth, on condition that she/they provides a medical certificate indicating she/they is unable to work and which indicates the duration of the inability.

An Employee who is pregnant or nursing may request that her/their job functions be modified or that she/they be reassigned to another job if continuing any of her/their current job functions may pose a risk to her/their health or that of her/their fetus or nursing child. This request must be accompanied by a certificate from a qualified medical practitioner indicating how long the risk is likely to last and what activities or conditions should be avoided in order to eliminate the risk.

EFN-EA will maintain medical or other benefit plans throughout an employee's maternity leave and will continue to make payments to the plan or plans in accordance to federal legislation and the regulatory terms of the benefit plan(s).

The services of an employee who is on leave for maternity leave is deemed to be continuous for the purpose of calculating vacation entitlement and notice of termination. However, while an EFN-EA employee is on maternity leave no actual leave days (eg. vacation, sick leave, etc.) will be accumulated.

An employee on maternity leave must give the EFN-EA at least a two (2) week notice of her/their intention to return or not to return to work before completion of her/their maternity leave.

14.9 Parental Leave – Without Pay

All employees are eligible for 17 weeks of unpaid parental leave. In addition, an employee who

assumes actual care of a newborn or newly adopted child is entitled to parental leave of up to 37 weeks. However, the total duration of the maternity and parental leaves must not exceed 52 weeks. Should both parents work for EFN-EA then combined parental leave should not exceed 37 weeks. Natural or adoptive parents must have completed six consecutive months of continuous employment with EFN-EA to be eligible for paternal leave.

The services of an employee who is absent from work for parental leave is deemed to be continuous for the purpose of calculating vacation entitlement and notice of termination. However, while an EFN-EA employee is on parental leave no actual leave days (eg. vacation, sick leave, etc.) will be accumulated.

An employee on parental leave must give the EFN-EA at least two (2) weeks' notice of his/her/their intention to return or not to return to work before completion of his/her parental leave.

14.10 **Compassionate Care Leave – Without Pay**

An employee may take up to eight (8) weeks of compassionate care unpaid leave to provide care and support to a gravely ill family member. A certificate is required from a qualified medical practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks. If an employee is sharing the provision of compassionate care with another individual, the total leave is still eight (8) weeks.

14.11 **Birth/Adoptive/Guardian Leave – With Pay**

An employee is entitled to up to two (2) days paid leave to attend the birth of his/her/their child; and/or upon receiving into the household a newly adopted child; and/or to care for his/her/their family during this period; and/or for an employee who has taken legal responsibility for the Foster Care/Guardianship of a child. The employee must submit a "Request for Leave" form with his/her/their Manager.

14.12 **Court Leave**

Paid court leave will be granted to an EFN-EA employee who is required to appear as a witness in a work related case. A copy of the court order or subpoena must be supplied to the employee's direct supervisor when requesting time off.

The EFN-EA will grant employees paid time off for mandatory Jury Duty or court appearances as a witness when the employee must serve or is required to appear as a result of a court order or subpoena involving a personal or private (non-work related) case.

14.13 **Educational Leave**

EFN-EA encourages all employees to continue with their formal education. An EFN-EA employee who has worked for the organization for more than four (4) continuous years may apply for full-time educational leave, up to one year, without pay, if the program is deemed to be job related and beneficial to the organization. If leave is granted, the employee's position and pay rate shall be protected. However, benefits will be cancelled until the employee returns to work on a full-time basis. If the request for unpaid leave is granted, the Human Resources Officer will decide if the employee's position will remain vacant or filled with a term appointment.

An employee who is granted educational leave for a program of less than one (1) academic/calendar year may be eligible to return under the following conditions:

- the employee has successfully completed the educational program
- the time required to complete the program does not exceed the previously approved length of leave (approved leave time)

If an employee does not complete his/her/their training program, he/she/they may be required to

formally resign from his/her/their position at EFN-EA depending on the reasoning for the incompleteness.

Note: EFN-EA employees who are members of the EFN may be eligible to apply for educational funding. Employees are encouraged to seek advice from the post secondary education coordinator (this assumes funding is coming from the post secondary program).

14.14 Training and Professional Development Leave

EFN-EA believes that employees should actively engage in life-long learning and continually strive to enhance their credentials or professional designation. Annually, the Human Resources Officer will assess the overall professional development and training needs for the organization. Annually, each employee will develop and sign an approved Employee Performance Contract (as part of the annual performance appraisal process) which includes the individual work performance goals and objectives as well as his/her/their training or professional development plans for the year.

Where training is either a condition of employment or a requisite to continued employment, employees must successfully complete the required training within the allotted time frame. Proof of successful completion must be provided by the employee to his/her/their Manager/Supervisor. Copies of all certificates, licenses, etc. will be filed in the employee's Human Resources file.

Whenever possible Directors will attempt to create in-service opportunities for employees to develop and upgrade their skills for the positions they occupy or for positions for which they may wish to be trained.

If an employee wishes to take short courses or workshops during regular working hours, he/she/they must apply in writing to his/her/their Department Director. The Director will submit all requests to the Assistant Director who shall grant such requests as budgetary and organizational constraints allow.

Where professional development cannot reasonably be undertaken within working hours, the employee may apply for "Professional Development Leave" with or without pay at the discretion of the Director. Professional Development not provided by EFN-EA will normally be at the employee's own time and expense.

14.15 Business Seminars, Conferences and Meetings

To ensure that EFN-EA has representatives at essential business conferences, seminars and key external meetings, each Director, with input from his/her/their Managers, shall identify which conferences, seminars, and meetings should be attended by members of the Department. In the interest of continual improvement for all staff, Directors/Managers shall assign appropriate opportunities for all employees to participate. Upon returning from Business Seminars, Conferences and Meetings, employees will be expected to share with the other staff in his/her/their Department all relevant information obtained at the conference or seminar.

All employees including Department Directors must seek approval to attend business conferences, seminars and meetings. An employee must seek approval from his/her/their Director, and Directors from the Assistant Director. The employee is expected to provide a written report to his/her/their Director/Manager within five (5) days following the meeting.

15 Resignation, Layoff, and Termination

15.1 Resignation

A staff member who is resigning his/her/their position with EFN-EA shall provide a minimum two (2) weeks written notice to his/her/their Director. Management level employees resigning from the EFN-EA shall provide a minimum three (3) weeks written notice to the Assistant Director.

15.2 Termination or Layoff Notice

Termination or lay off may be necessary due to redundancy, lack of funding or elimination of positions and/or completion of projects. In the case of termination for redundancy, an employee who has passed the probationary period shall be given a two (2) week notice and be eligible for an additional two days regular pay for each consecutive year of employment. Severance will only be paid in cases where an employee's termination is not for "just cause."

Positions in programs or projects that have had the funding re-established at a later date will first be made available to those employees who were laid off during the most recent round of lay-offs. Any remaining vacant positions will be posted and go through the established hiring process.

15.3 Return of EFN-EA Property

Any EFN-EA property issued to an employee, such as computer equipment, cell phones, briefcases, books, teaching materials, product samples, tools or uniforms, must be returned to EFN-EA at the time of termination, lay off, dismissal or resignation. Each employee is responsible for paying for any lost or damaged items. The value of any property issued and not returned may be docked from the final payroll cheque.

On the final day of employment, the Human Resources Officer must receive all keys, ID card, and EFN-EA property from the employee before the final payroll cheque will be issued.

16 Oversight of Human Resources Policy

16.1 Human Resources Committee

The Human Resources Committee is composed of five individuals appointed by the Director of Education. The Human Resources Committee will include at least three members from the Senior Advisory Team with the remaining two selected from within the organization who must be full-time on-going employees. They are responsible for reviewing and recommending all changes to the Human Resources policy and related documents, forms and procedures including:

- addressing and resolving all Human Resources discipline and grievance issues;
- ensuring all posting and hiring process are conducted according to the approved policy;
- ensuring all employees receive an annual performance appraisal according to the established process;
- approving any revisions to the accountability framework and job descriptions;
- reviewing recommended changes to the policy and related salary guidelines;
- interviewing applicants for all senior management positions with the EFN-EA; and
- all other duties and responsibilities as outlined in this policy and as Directed by the Assistant Director.

All decisions of the HR Committee require the signature of the Director of Education. The Committee reports to Director of Education. Only if the Director of Education feels that that HR Committee has overstepped its authority as stated in the HR Policy and or not followed the approved HR Policy, can the Director of Education override the decisions of the HR Committee.

16.2 Violation of Policies

All employees are bound by this Human Resources Policy and are expected to abide by the policies and related procedures herein. Failure to do so will lead to appropriate disciplinary action as presented and defined in this HR Policy. This description is not to be considered exhaustive or all-inclusive. The Human Resources Committee reserves the right to interpret this Policy.

16.3 Severable

The Board of Directors approve all policies and may amend this Human Resources Policy at any time. If amended, all employees will be informed in writing that changes have been approved. Employees will be informed where they can at any time review a copy of the Policy (revised and amended).

If any provision of this HR Policy is found invalid, such provision is severable and shall not affect the validity of the HR Policy as a whole.

17 Appendices

Add any Human Resources forms to be completed by applicants/employees

Add Template for standard Job Description

Add Salary Scale