

The Governing Board of Northwest Community Action, Inc. reserves the right to be the final arbitrator and/or interpreter of the Policies, rules and regulations in the Personnel Policies.

All employees are expected to be in uniformity with the content and purpose of all these policies as established herein.

Section 1.2 -Affirmative Action Policy Statement

NWCA acknowledges that equal opportunity for all persons is a fundamental human value. It is the policy of NWCA to provide equal opportunity in employment and advancement for all persons; to provide access to, admission to, full utilization and benefits of training opportunities without discrimination because of race, color, creed, age, religion, national origin, sex, disability, handicap, or marital status.

A formal education, unless required by State, Federal, or County law, shall not be made a requirement for employment qualifications or advancement, neither in professional or non-professional capacities, if an applicant has the ability to perform the duties of the position.

ARTICLE II - CONDITIONS GOVERNING EMPLOYMENT

Section 2.1 - General

A. Discrimination prohibited.

This Agency shall not discriminate in its hiring and personnel procedures against any applicant for employment, or any employee because of race, creed, color, national origin, sex, or age.

B. Partisan political activity.

Employment within NWCA may not be offered as a consideration or reward for the support or defeat of any political party or candidate for public office, nor may any person, as an employee, engage in partisan political activity.

C. Acceptance of gifts and gratuities.

Employees of this Agency are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services from NWCA, or performing services under contract, or otherwise in a position to benefit from an employee action.

- D. Employment of persons with criminal records.
- a. All employees and applicants for employment shall disclose any criminal convictions. Applicants for employment shall not, however, be required to disclose records of any arrest which did not result in convictions, unless such an arrest has resulted in formal criminal charges which are still pending at the time of application.
 - b. However, all prospective employees of NWCA Head Start in compliance with 45 CFR Part 1301 Subpart D, are required to sign a declaration which lists:
 - (1) All pending and prior criminal arrests and charges related to child sexual abuse and their disposition;
 - (2) Convictions related to other forms of child abuse and/or neglect; and
 - (3) All convictions of violent felonies.

The declaration may exclude:

- (1) Any offense, other than any offense related to child abuse and/or child sexual abuse or violent felonies committed before the prospective employee's 18th birthday, which was finally adjudicated in a juvenile court or under a youth offender law;
- (2) Any conviction for which the record has been expunged under Federal or State law; and
- (3) Any conviction set aside under the Federal Youth Corrections Act or similar State authority. However, individuals who declare, through this form, that they have been arrested, charged with, or convicted of any of the offenses listed above are not automatically

disqualified from being hired. The Agency must review each case to assess the relevance of an arrest, charge, or conviction to a hiring decision.

- E. Subversive Membership.
- Subversive membership in any organization whose objectives include overthrow of the Government of the United States by force or violence is inconsistent with employment in this Agency.

- F. Public Office.
- Employees of NWCA may participate in various elections as a candidate for public office, provided that these political activities take place during off-duty hours and in their private capacities. All employees are expected, however, to avoid (to the greatest extent possible) any identification of their off-duty activities with the Community Services Block Grant or Health and Human Services support programs. This requirement

is to insure that NWCA programs remain free from partisan political bias, and that programs to be administered in a nonpartisan manner.

Section 2.2 - Recruitment and Selection of Employees

A. Recruitment.

When a job opening occurs in the Agency, existing staff will be reviewed for possible transfer or promotion prior to external recruitment activities. Notices of job openings will be posted in a conspicuous location at Northwest's central office. A letter of intent will be filed by prospective applicant, resume will be updated, and an interview will be conducted by appropriate supervisors, Board of Directors and/or Policy Council members.

When, in the opinion of the interview committee, no current staff are qualified for the vacant position the Agency will recruit outside applicants. The position will be advertised in at least one (1) issue of all appropriate newspapers and with proper recruitment sources, including Jobs and Training Offices, in time to insure that all area residents have the opportunity to become aware that the Agency is seeking applicants. The ad will include a statement that we are an Equal Opportunity Employer and Affirmative Action Employer.

All employment vacancies in the Agency will be listed with the State Job Service, depending on grant and/or contract requirements. All vacancies shall be posted in the Main Office. Public advertisement through appropriate area media may be made of such vacancies at the discretion of the Executive Director and/or Program Director.

B. Selection Procedures.

1. The position of Executive Director shall be filled by the Board of Directors, acting through the Personnel Committee. This committee shall insure that proper notification be made and that all applicants are given due consideration. The Board shall retain the right to reject any or all applicants. Upon selection of the Executive Director, the Personnel Committee shall advise him/her of his/her responsibilities and insure that the position is assumed.

2. If the position of Assistant Director is to be filled, that person shall be hired by the Personnel Committee of the Board of Directors with every consideration given to the recommendation of the Executive Director.

3. All other positions shall be filled by a procedure established by the Executive Director, and all applicants must be given due consideration.

Section 2.3 - Nepotism

- A. No person shall be employed by NWCA while the person or a member of the person's immediate family serves on a Board of Directors or Committee which either by rule or practice, regularly participates in making recommendations or decisions specifically affecting the appointment, retention, work assignment, promotion, salary, or working conditions.
- B. No person shall be employed by NWCA in a position over which a member of his/her immediate family holds the responsibility for employee selection and hiring or exercises supervisory authority.

Section 2.4 - Conflict of Interest

No employee, officer, or agent shall participate in the selection, award, or administration of a contract in which federal funds are used where, to his/her knowledge, he/she or his/her immediate family or partner has a financial interest or which whom he/she is negotiating or has any arrangement concerning prospective employment. The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. The Board of Directors will decide the disciplinary action for any violation of this policy on a case by case basis. For the purpose of these Parts, 2.3 and 2.4, a member of an immediate family shall include any of the following persons:

- Husband
- Wife
- Father
- Mother
- Brother
- Sister
- Son
- Daughter
- Father-in-Law
- Mother-in-Law
- Brother-in-Law
- Sister-in-Law
- Son-in-Law
- Daughter-in-Law

When an employee believes the possibility for a conflict of interest exists, it is his/her duty to take action to avert the situation. The employee shall:

1. Cease the performance of duties that could create a conflict of interest and notify the appointing authority within one (1) working day of cessation.
2. Prepare a written statement describing the matter requiring action or a decision in the matter about a possible conflict of interest.
3. Take one of the following courses of action:
 - a. Deliver the statement to his/her appointing authority and request a clarification of the possibility of a conflict of interest. The appointing authority may request an advisory opinion from the program funding source or legal counsel. A copy of any advisory opinion issued by an appointing authority shall be sent to the Board of Directors.
 - b. Request an advisory opinion directly from the Board of Directors by delivering the statement to the Board. The Board shall issue an advisory opinion within seven (7) days and provide a copy to the employee and appointing authority.
4. If the employee's appointing authority or Board of Directors determine that a conflict of interest exists, the employee shall be relieved of the assignment and the appointing authority shall assign the matter to another qualified employee who does not present a conflict of interest. If it is not possible, the interested persons shall be notified of the conflict and the employee will proceed with the assignment.
5. A conflict of interest shall be determined to exist when a review of the situation by the employee and appointing authority or the Board of Directors provide any of the following would be present:
 - a. The use for personal gain or advantage of agency time, facilities, equipment, or supplies or influence of Agency position or employment.
 - b. Receipt or acceptance by the employee of any money or other thing of value from anyone other than the Agency for the performance of an act which the employee does recommend or effect to persons in the regular course of hours of Agency employment or is part of his/her duties as an employee.
 - c. Employee for a business which is subject to direct or indirect consideration or employees review, audit, or influence.