

I. SCOPE AND PURPOSE OF MANUAL

DNA's mission is to serve our client communities as advocates and teachers, in order to address the causes and symptoms of poverty, foster individual independence and dignity, and protect and promote tribal sovereignty. Our services must help our clients develop the resources necessary to meet external challenges, and help off-reservation communities and businesses better understand our clients and respect their rights. We focus our resources on those most vulnerable, and on those for whom we can achieve long-term benefits by breaking the cycle of poverty.

This Manual is intended to allow us to fulfill this mission in an effective and efficient way, without spending inordinate amounts of time on administrative or personnel issues. We are here to serve our clients, and it is every employee's responsibility to become familiar with and follow the guidelines in this Manual. New employees must sign a statement confirming that they have read the Manual, which will be kept in the employee's personnel file.

This manual is not an employment contract. Employees are "at-will" employees, meaning that they, or DNA, can end employment at any time and for any reason, or no reason, subject to applicable federal, state, or tribal law.

The Manual can be changed, and policies in this handbook revoked or modified at any time.

This Manual represents DNA's policies, together with our Litigator's Manual, Accounting Manual, Computer Use Policy, and LSC Compliance Manual. This Manual supersedes all previous Personnel Policies & Procedures manuals. It does not supersede any law, nor relieve anyone of their responsibilities under laws or rules of professional responsibility.

II. DEFINITIONS

"The Act" means the Legal Services Corporation Act, any re-authorization of that act, appropriations bills, and all lawful regulations adopted pursuant to that act.

"The Board" means DNA's Board of Directors.

"Central Office" means the administrative side of the Window Rock DNA office.

"Date of Employment" means the day on which all required employment

forms are completed and the employee begins work.

"DNA" means DNA-People's Legal Services Inc., and its component parts including Hopi Legal Services, Coconino Legal Aid, San Juan County Legal Aid, and all DNA Projects.

"Exempt Staff" means executive, administrative and professional staff (including advocates, paralegals and attorneys, the Executive Director, the Director of Litigation, Administrative Director, the Fiscal Manager, the Purchasing Manager, Library Technician, Director of Development, Community Education Coordinator and Manager of Information Systems), and they are exempt from the overtime pay rules of the Fair Labor Standards Act.

"Honoraria" means money paid by a person or organization, for an employee to speak at an event, over and above travel expenses.

"Immediate Family" means present or ex-spouse or unmarried equivalent, children (natural, step, or adopted), parents, parents-in-law, brother, sister, son- or daughter-in-law, sister- or brother-in-law, grandparents, grandchildren, uncle, aunt, nephew, and niece. It also includes any person over whom a staff member has been granted guardianship. It does not include other extended family members or clan relatives.

"Litigator" means all licensed staff attorneys, law school graduates who have not passed a bar examination, tribal court advocates, paralegals, and advocate trainees.

"LSC" means the Legal Services Corporation.

"Manual" means DNA's Personnel Policies and Procedures manual, any modifications to it and policies adopted pursuant to it.

"Office" or "field office" means any of DNA's offices aside from the Central Office.

"Non-Exempt Staff" means support staff (including receptionists, legal secretaries, paralegals and custodians), and they are not exempt from the overtime pay rules of the Fair Labor Standards Act.

"Promotion" means an internal transfer to a different job that entails an increase in salary and an increase in responsibilities. The evaluation date (anniversary date) of an

employee who receives a promotion is changed to the date on which the employee begins his/her new duties.

"Qualified" means meets the job qualifications printed in the job descriptions contained in this Manual and the job advertisement, and which complies with Section IV of this Manual.

"Regular Employee" means an employee not on probationary status, not working as a volunteer, not hired with the expectation that they will work less than twelve months or as designated by the Budget and Audit Committee, or not working less than 28 hours a week. The date of employment for a temporary employee who is later hired as a regular employee becomes the date on which the employee begins as a regular employee.

"Relevant bar exam" is defined in Appendix B, Section F(2) of this manual.

"Support Staff" means any Receptionist, Secretary, Legal Secretary, Paralegal, IT Technician, or Custodian at DNA. It may be used interchangeably with "non-exempt employee."

"Timesheet" means the record used to document an employee's time and grants under which (s)he spent time, for a particular bi-weekly pay period. Litigators use Timeslips to generate the information for the Timesheets.

"Timeslip" means a record in Kemp's/Prime which records a litigator's time on a case, other legal matter, or a supporting activity, such as annual leave.

III. HIRING PRACTICES AND PROCEDURES

A. General Policy and Equal Opportunity

DNA shall not discriminate on the basis of race, gender, age, marital status, disability, color, national origin, religious preference, sexual orientation, political affiliation, or any other consideration prohibited by law against:

any person applying for employment, or employed by DNA with respect to any personnel action, proposed or taken, concerning the applicant or employee; and any person seeking DNA's services.

Further, DNA abides by the Americans with Disabilities Act (42 USCA 12101 et seq). DNA strives to have physical space that

is accessible to the disabled, and if that is not currently the case in a particular office, will provide readily achievable alternative measures (such as interviewing in a place which is accessible). DNA strives to make reasonable accommodations to ensure that disabled employees have what they need to accomplish their job duties, and to ensure that applicants seeking our services can receive those services on the same basis as non-disabled applicants.

Insofar as recruitment, hiring and promotion, given DNA's mission and geography, DNA follows a Native American preference.

B. Nepotism

No employee shall hold a job over which a member of the employee's Immediate Family exercises direct supervision. All Immediate Family relationships shall be fully disclosed at the earliest opportunity.

C. Criminal Records

A criminal record will not by itself disqualify anyone from DNA employment, but may be considered in hiring and retention decisions. Lying about a criminal record will be grounds for disqualification or termination.

D. Promotions and Transfers

Whenever possible, DNA will promote Regular Employees who are as qualified as non-DNA applicants. The Central office or the office in which a vacancy exists will notify all DNA employees of job vacancies either before or at the time they are advertised. Promotions and transfers will be made consistent with relevant employment preference laws and policies contained in Section III(A). The Administrative Director and/or the Director of Litigation will seek opinions from the affected office for use in making the hiring decision.

E. Outside Applicants

All job vacancies not filled by a current DNA employee will be advertised. Advertisements must state minimum qualifications and a closing date for application. Hiring will be in accordance with DNA employment policies set forth in this Manual, and with applicable federal, state and tribal law.

F. Bilingual Staff

DNA strives to recruit bilingual staff. Whenever possible, when a candidate interviews for a DNA position, bilingual applicants will be assessed for their proficiency in speaking (and if applicable reading and writing) the non-English language for which they claim experience. Training on legal terminology is applicable to the job duties of bilingual staff, and such training will be encouraged when it is financially practical.

G. Offer of Employment

A successful applicant will be notified by the Executive Director with a written offer of employment that includes a description of the position the individual will hold, the proposed salary, and the benefits available. Unsuccessful applicants will be notified in writing by the Administrative Director or the Executive Director.

H. Personnel Action Forms

DNA's Central Office will complete a Personnel Action Form and other required forms for all new employees. Notice of name changes, anniversary date changes, promotions, and all other changes must be given to the Central Office by Managing Attorneys as soon as possible.

I. Executive Staff

Recruitment, selection, transfer, suspension, termination and promotion of the Executive Staff, which consists of the Administrative Director, Director of Litigation, Fiscal Manager, Director of Development, Purchasing Manager, Community Education Coordinator, Administrative Secretary and Executive Secretary, the Manager of Information Systems, all Managing Attorneys and Project Directors, are the responsibility of the Executive Director, who will seek input from other staff in making such a decision. DNA's Board of Directors passed a resolution prohibiting employee contracts.

J. Other Staff

1. Recruitment and recommendations for selection, transfer, suspension, termination, and promotion of all other staff are the responsibility of the Executive Staff member in charge of the unit in which the vacancy occurs, unless the

Executive Director designates otherwise.

2. The Executive Director makes the final decision on all hiring, transfer, suspension, termination, and advancement recommendations.
3. All applicants must submit a resume or a job application, plus the names, addresses, and phone numbers of three references to the appropriate Unit Director.
4. Applicants for litigator positions must submit a recent writing sample. The appropriate Executive Staff Member(s) will review applications and contact references. Qualified applicants may be invited to interview. Applicants invited to interview will, to the extent possible, interview with all employees of the office in which the vacancy exists.
5. Support staff submit resumes or applications with three references directly to the Managing Attorney of the appropriate office. In most cases, hiring recommendations for support staff will be made by the majority sentiment of all staff in the office in which the vacancy exists. The Managing Attorney and the Administrative Director make the final decision together.
6. Staff Attorneys and Tribal Court Advocates are selected by the Managing Attorney, the Director of Litigation, and the Executive Director together. Recommendations of the office staff are encouraged.
7. Managing Attorneys are selected by the Director of Litigation and the Executive Director together. Recommendations of the office staff are encouraged.

K. Probationary Employment Period

Newly hired employees are on probationary status for 180 days from the Date of Employment. Probationary employees may be dismissed for any cause, or without cause, consistent with applicable federal, state, or tribal law, and with the Executive Director's approval. The employee's supervisor may extend the period for up to 180 days for good cause. Good cause may include, but is not limited to, failure to become licensed by a relevant state bar within the probationary period, or failure to perform job duty requirements, or failure to comply with the Manual. Before the end of the

probationary period, the employee's supervisor will prepare a written performance evaluation following Part XIX of this Manual, and must recommend either to: (a) place the employee on regular status; (b) extend the probation; or (c) dismiss the employee. The Executive Director accepts or rejects that recommendation, or takes some other action, before the end of the employee's probationary period. If the Executive Director does not make a decision by the end of the probationary period, the employee will automatically become a regular employee.

L. Temporary Employment

If additional staff on a temporary short-term basis, the Executive Director may approve hiring temporary employees for up to 6 months. A staff member or field office needing a temporary employee must submit a written explanation of the need to the Administrative Director. The Administrative Director makes the final recommendation to the Executive Director.

IV. COMPENSATION

A. Policy

DNA complies with all applicable federal, state, or tribal wage and hour laws. Consistent with available funding, DNA is committed to paying salaries competitive with those paid for similar jobs by other legal services and non-profit organizations.

As a general rule, so long as funding is available, DNA gives all staff increases on their anniversary, by moving staff up one step on their salary plan. This increase is separate from any merit increase, which is addressed in Section XIX of this manual.

B. Salary Plan

The Executive Director is responsible for developing and implementing a job classification schedule and salary plan for DNA. The Board of Directors must approve any Salary Plan. Supervisors assist in preparing the salary plan and job descriptions for employees under their supervision. The current DNA salary plan and schedules are attached to this Manual as Appendix B.

C. Salary

The Executive Director, in consultation with the

Administrative Director, determines starting salaries based on the current salary plan. Before an employee is hired or promoted, the Executive Director must decide whether funds are available to pay the employee's salary or any increase in salary. Other salary increases are governed by DNA's Salary Plan (Appendix B). The salary of any employee not covered by the salary table is set by the Board of Directors.

D. Part-time and Temporary Employees

Salaries for custodial workers and all other part-time and temporary employees are set by the Executive Director at levels no less than the wages required by applicable federal, state, or tribal minimum wage laws. Part-time employees who are regularly in the employ of DNA, such as custodial workers, generally receive annual raises at the annual percentage increases given to other regular employees. The salary paid to temporary employees is the lessor of: (a) the amount the person was receiving at their last full-time job; or (b) the amount they would receive under the DNA pay scale, given their years of relevant experience.

E. Overtime Work

When required to provide quality legal services, employees may be asked to work overtime hours.

1. **Flex-Time Employees**

a. In General

The salary of exempt employees is intended to compensate them for as much work as is necessary to perform their job duties. However, to compensate for unusually long hours, exempt employees are allowed flex-time.

b. Accrual and Use

Regular exempt employees accrue one (1) hour of flex time for each hour worked above 40 hours per calendar week (Saturday through Friday). Leave time of any type taken during the week is not counted toward the hours necessary to trigger flex-time accrual. Accumulation of flex time is calculated on a weekly basis by total hours worked, rounded down by hour.

Any hours worked on enumerated holidays or during official administrative leave earn flex time so long as the claimed flex hours worked have been approved by the supervisor.

Flex time only accrues if the employee's time sheet and computerized timeslips reflect and detail the overtime hours worked.

No employee may accumulate more than forty (40) hours total flex time at any one time. Flex time hours are forfeited upon leaving DNA's employment.

2. **Comp-Time Employees**

a. In General

Non-exempt employees are entitled to overtime compensation for every hour worked in excess of 40 hours in a calendar week (Saturday through Friday). Accrual and use are limited by the Fair Labor Standards Act. **Supervisors must approve overtime work in advance.** A non-exempt employee earns 1½ hours of overtime compensation for each hour worked over 40 in a calendar week, or for each hour worked over 8 in a day. If prior approval was not feasible, non-exempt employees must report all overtime hours worked to their immediate supervisor no later than the next business day after the employee works the overtime hours, and must show all overtime hours worked on their time sheet. Failure to obtain required approval or promptly report overtime hours does not eliminate the right to overtime compensation, but may be grounds for discipline.

b. Overtime Pay

With prior written approval of the Executive Director, non-exempt staff who work overtime may receive cash payment in the next paycheck for the overtime work. Payment is at 1½ times the employee's hourly wage for each hour of over-time worked. The regular hourly wage is calculated by dividing gross annual salary by 2,080 (52 weeks of 40 hours).

3. **Definition of Hours Worked**

The definition of "hours worked" is contained in the Fair Labor Standards Act regulations, 29 CFR Part 785. In compliance with those regulations, DNA does not count as hours worked attendance at lectures, meetings, training programs, and similar activities if:

- a. Attendance is outside of the employee's regular

working hours;

- b. Attendance is voluntary;
- c. The course, lecture, or meeting is not directly related to the employee's job; and
- d. The employee does not perform any productive work while attending.

Attendance is not voluntary if the employee is given to understand or led to believe that present working conditions or continued employment would be adversely affected by non-attendance.

Commuting time from home to work is not work time. Time spent traveling as part of the job during the regular workday is work time. Business travel away from home is work time if it occurs during regular work hours, or for those hours during which actual work or travel is performed. "Hours worked" does not include lunch breaks or any time away from work on leave, comp-time or flex-time.

F. Time and Attendance Records

All employees must complete time sheets and submit them to their Office Manager or Unit Director in a timely fashion. Time sheets shall accurately reflect actual hours worked, and must be signed by the employee. Supervisors must review, approve and forward time sheets to Accounting to arrive by Wednesday noon following the last day of the pay period.

Working in a law office requires some flexibility regarding standardized work schedules. Occasionally, an employee will be required to work more than eight (8) hours in a given day. That employee's timesheet will be accepted by DNA even if it does not show a minimum of eight (8) hours per day for each work day in the week, so long as it (a) does show a minimum of forty (40) hours worked per week and (b) has been signed by the supervisor. [In other words, consistent with Section V(E), it is acceptable, for example, for an employee, after working 10 hours on Monday, to work 6 hours on Tuesday, without taking leave, so long this is approved by the supervisor.]

If a full time employee works less than 40 hours in a week, the difference must be taken as leave or flex-time, and so designated on the time sheet. Absent any designation, the hours unaccounted for will be charged first to available annual leave, and then to leave without pay.

In the event that an employee does not submit a signed Timesheet to their Office Manager/Accounting in a timely manner, Accounting will contact the employee's supervisor to request the Timesheet. However, if any employee does not submit a substantiated signed Timesheet in a timely manner, the employee may not get paid on time.

G. Pay Periods

Employees are paid every 2 weeks.

H. DNA Loan Forgiveness Program

1. **Effective Date**

The DNA Loan Forgiveness Program ("Program") became effective on July 14, 1990.

2. **Program Administration**

The Administrative Assistant has responsibility for administering the Program. Litigators who wish to participate in the Program must complete an application provided in Appendix A, by June 30th for loans paid from January-June, and by December 31st for loans paid July-December.

3. **Eligibility**

The following litigators are eligible for loan forgiveness:

- a. Employed full-time by DNA through the 6 month period for which they are applying;
- b. Have relevant undergraduate, law school, or bar loans which first became due after 7/14/1990; and
- c. Actually made payments on these loans, and submit copies of canceled checks with their application by June 30th and December 31st of each year.

4. **Disbursement Procedure**

a. The maximum amount of forgiveness available to a Litigator is \$1,000.00 each 6 months.

b. Eligible Program participants will be issued 1 check at the end of every 6-month period or as soon thereafter as possible. This check will reimburse the Litigator for all qualifying loan payments made during that 6-month period, up to the \$1,000.00 maximum.

c. Disbursements are made only on July 15th and January 15th of each year.

5. Repayment Obligation

a. Forgiveness payments are forgiven according to the following schedule:

<u>NUMBER OF QUARTERS OF FULL TIME EMPLOYMENT COMPLETED</u>	<u>PERCENTAGE OF TOTAL PAYMENTS MADE BY DNA TO THE PARTICIPANT ELIGIBLE FOR FORGIVENESS</u>
1	0%
2	0%
3	0%
4	0%
5	0%
6	0%
7	15%
8	30%
9	45%
10	60%
11	75%
12 (and beyond)	100%

The number of quarters completed is measured from the Date of Employment. Credit is not given for quarters not completed.

During the litigator's first 3 years of employment, (s)he will be required to sign a promissory note before receiving a loan forgiveness check. The litigator must sign the promissory note each time (s)he receives loan forgiveness money during this 3-year period. By signing the note, the litigator agrees to abide by the terms of the note and repay DNA for all or part of the loan forgiveness money received if (s)he does not complete his/her 3-year commitment to DNA.

I. Bar Dues

DNA will pay the cost of full-time litigators' relevant bar

membership dues at the beginning of the calendar year, or on admission to a relevant bar during the course of the year. Bar dues do not include a specialized section of the bar, or any voluntary donations. If an employee leaves DNA's employment before the end of the year, (s)he will be required to reimburse DNA for a portion of the bar dues paid on their behalf.

V. TRAVEL REIMBURSEMENT

A. Authorization

Any employee traveling at DNA's expense must notify her or his immediate supervisor. Travel for any purpose other than going to another DNA office for a meeting, or to a court or administrative body for a hearing in a DNA case, requires prior written approval via a Travel Authorization form. Neither DNA nor any litigator may pay travel and related expenses for clients. No such expenses should be incurred, nor will they be reimbursed.

Travel arrangements are made by either the traveling employee or her/his Office Manager. Reservations can be made using the traveling employee's personal credit card, and get reimbursed by DNA, or by doing a Travel Authorization/Advance Request form. Occasionally at DNA-wide meetings, the Executive Secretary will make hotel arrangements (often pre-paid by DNA); in this situation, if employees do not show up for a reserved room, without getting a credit from the hotel, they must pay for the cost of the hotel room.

B. Advances

Under normal circumstances, advance travel payments may be sought by submitting a Travel Authorization/Advance Request form to the Director of Litigation or the Administrative Director for approval. The Director will either approve or disapprove the request, and if approved, forward it to Accounting. Advances must be submitted at least five (5) working days before travel to allow for Central Office processing. Advances must be reported on a Travel Expense Statement and cleared within 30 days of completion of the travel or the amount advanced will be deducted from the employee's next paycheck and not reimbursed. Accounting will send notification to any employee that has an outstanding advance at least 2 weeks before any income withholding to allow the employee to clear the advance. If any travel advance is paid, and the trip is canceled, the check must be returned or payment reimbursed.

C. Claims

Reimbursement claims must be submitted on a standard DNA Travel Expense Statement. The completed form must be verified by the immediate supervisor. The Executive Secretary/Administrative Assistant will verify claims before routing such claims to the Administrative Director/Director of Litigation for final approval.

All claims are then routed to accounting. Verification should include checking that the departure and return dates are correct, that the travel was for a purpose legitimately connected to employment with DNA and appropriate under any properly established and published DNA policy, and that there has been compliance with any other travel policy that can best be verified at the field office (e.g., whether the employee car pooled). Supervisors should not forward claims for approval until they have verified the claim.

Calculations (e.g., whether the number of quarters is accurate, whether the mileage is correct using DNA's mileage chart, whether the math is correct) and amounts claimed (e.g. whether motel/hotel charges are reasonable, and whether deduction of quarters from per diem have been made for meals provided at training) are verified by the DNA Executive Secretary and Administrative Assistant-Legal Unit. Supervisors should also check these items.

D. Mileage

Consistent with Section V(A), wherever practicable, DNA employees should rent a car on DNA's contract with Enterprise Rental Cars in Flagstaff, Gallup and Farmington, or from another reasonably-priced rental car company. When renting a vehicle, insurance must be declined (since DNA is self-insured), unless the renting employee has been notified that they are not covered under DNA's insurance.* When renting a vehicle, gas receipts will be reimbursed to the employee, not mileage.

Use of private vehicles on DNA business usually is reimbursed at the amount indicated on the most recent version of DNA's Travel Expense Statement. When using a private vehicle, either gas receipts or mileage will be reimbursed, but not both. If 2 or more employees from any office are traveling to the same location, and do not travel together in the same vehicle, mileage claims may be reimbursed at a lower rate, which will be set forth in a memo from the Executive Director.

Claims for less than 10 miles of travel (one-way), other than normal mail/court/trash runs, are not reimbursable, nor is mileage for personal side-trips or between an employee's residence and the

office in which the employee works. Reimbursement for mileage claims between 2 points exceeding that on the standard DNA mileage chart are paid at the standard chart mileage, absent an acceptable explanation for the excess mileage in the claim. For reimbursement of mail/court/trash runs, an office must designate one person for each duty. The designated person must keep a mileage log for each run. If the mileage is more than 15 miles per week, the person may be reimbursed for the mileage.

*If an employee has been notified that they are not covered under DNA's insurance, (s)he needs to have their own full-coverage auto insurance policy, and provide DNA with proof of that insurance before traveling for DNA business.

E. Other Transportation Costs

If transportation other than a personal vehicle is used, reasonable actual costs will be reimbursed. The form of transportation used should be the least expensive available consistent with good sense. For example, first class air travel generally will not be reimbursed. The least expensive form need not be used where loss of time or effectiveness is disproportionate to the monetary savings.

F. Per Diem, Lodging, and Other Expenses

Employees must report time of departure and return on all per diem claims. Personal time which extends the trip must be deducted. Actual, reasonable, lodging costs will be reimbursed if receipts are provided and the cost is reasonable in the area of travel. Without a lodging receipt, lodging will be reimbursed at a flat rate indicated on the Travel Expense Statement. Reimbursement will be at a single occupancy rate, unless other occupants are also DNA employees on business. Per diem for meals is paid at the quarterly rate set forth on the Travel Expense Statement, except that reasonable actual costs will be reimbursed if receipts are provided. An employee may make a request for reimbursement based on per diem or receipts, but not both. One (1) quarter of per diem will be deducted for each meal provided to the employee as part of a training or other authorized function. Quarters are computed by dividing the number of hours on the trip by 6 and rounding to the nearest whole number, except that the first quarter must be a full 6 hours. DNA will pay necessary out-of-pocket expenses such as phone calls, parking, and cab fare if expenses are reasonable and itemized, and receipts are provided. Employees attending training events or meetings in the community where their office is located

cannot claim per diem and other expenses.

G. Bar Leave Expenses

DNA will not pay per diem and lodging expenses for employees on bar leave, with the exception of expenses incurred on those days the employee is traveling to and from, and taking his or her first relevant state and tribal bar examination. For more information on bar leave, see Section IX(J).

H. Child Care Costs

DNA will reimburse reasonable child care expenses for children under 18 years old incurred at any mandatory meeting or training to the extent the expenses are in excess of the employee's ordinary child care costs.

I. Recruitment Expenses

DNA may pay some expenses for the travel of individuals DNA is trying to recruit to fill vacant full-time, permanent positions. Such expenses may consist of airfare, car rental, hotel expenses, or moving costs. These expenses may be paid only if sufficient funds exist in that year's budget and are paid at the discretion of the Executive Director on a case-by case basis taking into account the ability of the individual being recruited to pay for their own expenses.

J. Suspension of Reimbursement

DNA will not pay claims that do not comply with Section V. The person discovering the non-compliance may approve payment of any part of the claim that does comply or may deny payment of the entire claim. An explanation of the denial and of any partial payment will be given to the employee, who may correct the portion of the claim that was not paid and resubmit it for payment within 10 days of receiving written denial of payment.

K. Limitation of Claim Period

DNA will not pay a claim for expenses that is received by the Central Office more than 45 days after the expenses are incurred.

VI. INSURANCE AND PENSION PLANS

DNA pays for medical insurance for regular and probationary employees who work more than 28 hours per week. Employees pay a

portion of medical insurance premiums for dependents. DNA may, if funding allows, contribute to an employee pension plan for regular employees. Booklets summarizing insurance coverage and the pension plan are provided to each employee. Additional information is available from the Executive Secretary.

VII. OFFICE HOURS

A. Regular Office Hours

Each Field Office must be open to clients from 8:00 a.m. - 5:00 p.m. every day Monday through Friday, except holidays. Since DNA offices are professional law offices, all staff are required to arrive on time, be at the office during their work hours (with the exception of pre-approved absence), and not leave until the office closes. Violation of this provision may result in disciplinary actions, up to and including termination.

B. Adjusted Schedules for Full-Time Employees

In exceptional circumstances employees may modify their work schedules. Two circumstances that would warrant such a modification are when an employee who wishes to complete an undergraduate degree needs to modify her/his schedule to attend classes, and when an employee who is responsible for the care of young children needs to modify her/his schedule to accommodate child care needs. Employees still must work a 40-hour week and must work at least 4 hours a day.

Employees who wish to take advantage of this policy must work with the Managing Attorney to develop a schedule that will not impair DNA's ability to provide service to clients. Once a proposed schedule has been arranged, it must be approved by the Executive Director before it is implemented. If the Managing Attorney determines that the adjusted schedule negatively impacts office operations, he or she may require the employee to return to a regular work schedule. The hours a Field Office is open cannot be modified. Any employee's adjusted schedule will be evaluated for problems and/or effectiveness every 6 months or as the Executive Director determines.

C. Telecommuting. Occasionally, litigators or administrative staff may benefit from working via computer from home or another remote location. This should not be the norm, however, and should be kept to a minimum. Each time this is done, it must be approved by the litigator's or administrative staff's

direct supervisor in advance, and a careful log of time spent must be kept.

D. Personal Absences

Except for leave, absence during regular work hours for personal reasons must be brief and occasional (no more than 30 minutes per day taken in lieu of coffee breaks). Longer absences require pre-approval by the Managing Attorney; and unapproved absence is grounds for disciplinary action. Absences should be noted on the office's Destination Log (see section F below).

E Business Absences

Absences from the office for work-related reasons that will last for half an hour or more require notice to the Managing Attorney. The Managing Attorney must give notice of his/her absence to the Office Manager. Absences should be noted on the office's Destination Log (see section F below).

F. Destination Log

All offices have a destination log that must be used by all employees, giving their destination, time checked out, and anticipated time of return.

G. Lunch Periods

Each office establishes a lunch schedule between 11:30 a.m. and 2:00 p.m. Every employee has the right to a full hour for lunch. Employees must arrange their lunch schedule with their supervisor.

H. Coffee Breaks

Employees may take one 15 minute coffee break in the middle of each morning and another in the middle of each afternoon. These are rest periods to be taken during the day, and cannot be used to arrive late to work, or leave work early, or to extend an employee's lunch period beyond one hour.

I. Lateness and Absenteeism

1. **Notice**

If an employee will be late or will not come to work on a regular work day, that fact must be reported to the employee's

immediate supervisor by 9:00 a.m. or the absence may be treated as an unexcused absence. Managing Attorneys report lateness or unanticipated absence to the Office Manager.

2. **Excusable Absences**

Only absence due to illness, emergency or pre-approved leave will be excused.

To be excusable sick leave, sick/personal leave, or snow days, the immediate supervisor must be contacted by 9:00 a.m. for each day of leave. Sick leave beyond 2 days require a physician's statement certifying the legitimacy of the absence. Sick leave to attend to a medical/dental/vision appointment requires 2-day prior written approval by the employee's immediate supervisor.

To take bereavement leave, the immediate supervisor must be contacted as soon as possible, noting the date the employee is expected to return.

All other leave (annual, flex, election day, training, jury, witness, bar leave, or leave without pay) requires at least 5-day prior written approval by the employee's immediate supervisor. Sabbatical, parental and military leave are addressed separately in section IX(K), (L) and (M) respectively, and have longer pre-approval times.

In approving or denying a leave request, the supervisor will take into account office coverage in general, how cases and activities will be covered in the employee's absence, and excessive or unexcused absences by the employee within the past 6 months. Denials of leave requests may not be appealed under Section XI unless leave has been denied at least twice in a row. Failure to obtain pre-approval for leave will be considered unexcused absence. Unexcused absences will be charged to the employee's annual leave if available, or if unavailable to leave without pay. An unexcused absence is grounds for disciplinary action.

VIII. USE OF DNA PROPERTY

DNA property is not to be used for personal use, absent good cause, prior supervisory approval, and full reimbursement to DNA.

A. Keys

Employees may obtain keys to DNA offices from the Office Manager in each office. Keys remain DNA property and must be

returned to DNA upon termination of employment. If an employee fails to return office keys upon termination of employment, the cost of rekeying the office may be charged to the former employee.

B. Telephones, Computers, and Other Office Equipment

Personal use of DNA telephones, computers, and other office equipment is to be avoided. If DNA equipment is ever used for personal use, that must be done on personal time, and the expenses (cost of telephone calls, number of copies) must be tracked and reimbursed to DNA. Personal collect calls to DNA are not allowed.

Excessive or repeated incidents of personal use of DNA equipment shall be grounds for discipline.

For more on DNA's policies regarding computer and other office equipment use, see Section XX of this manual.

C. Libraries and Conference Rooms

1. **By DNA Staff**

DNA staff must schedule use of conference facilities with Office Managers or Managing Attorneys (or the Executive Secretary in Window Rock). Staff should leave library and conference facilities clean and orderly, and promptly re-shelve library materials after use. Staff may remove library materials from the library if necessary, but must indicate removal and return on a log card, maintained in the library, which indicates the materials removed, the date, and the person removing them. Staff are responsible for the replacement cost of any library materials lost or not returned while signed out to their use.

2. **By other than DNA Staff**

Persons and groups other than DNA staff may use DNA libraries for legal research, and DNA conference rooms for meetings, if such use will not interfere with DNA operations. Office Managers and Managing Attorneys supervise use of libraries and conference facilities, except in Window Rock, where the Librarian supervises use of the library, and the Executive Secretary supervises use of conference facilities. Any rules imposed by a Managing Attorney regulating access to a library must be submitted to the Director of Litigation for approval before implementation. DNA facilities may not be used for political purposes or other activities prohibited by the Legal Services Corporation.

Non-DNA library and conference room users must sign in and out, indicating name and address and the date and time of use.

Upon first use of the facilities, non-DNA users will be provided with a copy of this section of DNA's policies. A copy also will be posted in each library. Users must agree to reimburse DNA for any damage or loss caused by their use. Books may not be removed from the library, except with permission of the library supervisor, who must record in writing the date, borrower, and title. Books may not be removed during regular working hours, and must be returned by the start of the next working day, or DNA will bill the borrower for full replacement costs.

Any user who fails to comply with these policies may be excluded from use of the facilities by the Managing Attorney, with the prior, written approval of the Director of Litigation.

D. Use of other DNA Facilities and Equipment

Persons and groups other than DNA staff may use DNA facilities and equipment under the following conditions:

1. With prior written approval of the Managing Attorney or Executive Director.
2. A reasonable fee may be collected before the facility or equipment is used.
3. The user is liable for any loss or damage to the facility or equipment.
4. DNA facilities and equipment cannot be used for political purposes, activities prohibited by the Legal Services Corporation, or for any purpose or in any manner which interferes with DNA operations.

IX. LEAVE BENEFITS

When contemplating taking any earned leave, please see Section VII (H) regarding obtaining pre-approval.

A. Official Holidays

DNA observes all federal holidays, except the day after Thanksgiving is substituted for Columbus Day. DNA holidays are:

Martin Luther King, Jr.'s Birthday	January
------------------------------------	---------

President's Day	February
Navajo Sovereignty Day	4th Mon in April
Memorial Day	May
Navajo Memorial Day	1st Mon in June
Independence Day	July 4
Navajo Code Talkers Day	August 14
Labor Day	September
Veterans Day	November
Thanksgiving and the day after	November
Christmas	December 24 & 25
New Years	December 31 & January 1

Each agency office observes as administrative leave the Friday afternoon of that Agency's fair. The Farmington and Flagstaff offices observe as fair leave the Friday afternoon of the San Juan County and the Coconino County Fairs, respectively. Hopi Legal Services observes the afternoon of the Tuba City Fair as administrative leave. If a holiday falls on a weekend, the Executive Director must designate the day before or after the weekend as the day DNA will observe as the holiday. Additional holidays may be added only with Board approval.

B. Sick Leave

1. Use

Except as noted below, sick leave may be used only when an employee is ill or consulting a medical practitioner, including a traditional Native American practitioner. With prior approval of an employee's supervisor, sick leave may be used to care for an ailing member of the employee's Immediate Family. Injury or illness charged to workers compensation is not charged to sick leave. An employee who elects to claim disability benefits under DNA's insurance plan may not also claim sick leave. Prior written approval of sick leave for medical appointments must be obtained from the employee's supervisor at least 5 days in advance, unless the illness arises suddenly. Sick leave for more than 2 consecutive days must be accompanied by a physician's statement justifying the absence in order to be approved; failure to submit doctor's statement results in Leave Without Pay.

2. Personal Leave

Each employee may use up to 5 days of sick leave each calendar year for personal leave. Personal leave may be taken for any reason.

3. Accrual

Full-time employees accrue 4 hours of sick leave each 2-week pay period. Employees may accrue a maximum of 240 hours of sick leave. Part-time employees (less than 40 hours per week) accrue sick leave at that proportion of the full-time rate which the ordinary number of hours they work per pay period bears to a regular 80 hour pay period. That proportion is established by the supervisor at the outset of employment, in consultation with the Administrative Director. No payment will be made for accrued, unused sick leave at termination of employment. Employees on sick leave earn full salary and benefits, but sick leave does not count as hours worked for flex-time or other overtime pay.

4. Insufficient Sick Leave

If an employee's sick leave is depleted, additional time needed may be obtained through DNA's disability insurance plan, or charged to annual leave and then leave without pay.

5. Advance Sick Leave

Upon the written approval of the Administrative Director and with a copy to Accounting, an advance of up to 10 days of sick leave may be obtained in an emergency. Approval will be granted only to employees who have worked with DNA for a year or more, with good performance, and who have agreed to remain with DNA until enough sick leave has accrued to cover the advance, or to have the remaining hours advanced deducted from their final paycheck.

6. Holiday During Sick Leave

DNA holidays occurring while an employee is on sick leave will not be charged to sick leave.

7. Donation of Sick Leave

With the Executive Director's approval, staff may donate sick leave to fellow staff members. The employee receiving the donated sick leave must in fact be under a doctor's care, as demonstrated by a physician's statement certifying to the illness or injury, and must have depleted all forms of accumulated leave, except that the employee may retain 10 hours of annual leave. When using donated sick leave, the employee does not accrue annual or sick leave.

8. **Family Medical Leave Act.** DNA abides by the federal Family and Medical Leave Act (29 USCA 2601 to 2654), which allows employees who have been employed full-time by DNA for more than one year, to take up to 12 weeks of unpaid leave because of a serious health condition, for the birth or adoption of a child, or for the care of a child, spouse or parent who has a serious health condition. During this leave, an employee may use other accumulated leave (sick, flex, annual) and/or a short-term disability benefit, or may take leave without pay. For the 12 weeks, an employee's regular benefits (such as medical, dental, vision and life insurance) will remain intact so long as the employee pays the usual premiums for those benefits, where applicable. After 12 weeks, the employee will return to the same or equivalent position, benefits and pay. Preferably before, but at least after 2 days of starting leave under the FMLA, a doctor's note must be provided to the employee's direct supervisor, saying what the medical problem is, and how long it is expected to last.

C. Annual Leave

1. **Accrual**

Full-time employees accrue the following annual leave:

- a. In the first year, employees accrue 3.08 hours each two-week pay period (about 80 hours or 10 days per year).
- b. In the second year, employees accrue 4.62 hours each two-week pay period (about 120 hours or 15 days per year).
- c. In the third, fourth, and fifth years, employees accrue 6.46 hours each two-week pay period (about 168 hours or 21 days per year).
- d. During all subsequent years, employees accrue 8 hours each two-week pay period (about 208 hours or 26 days per year).

Probationary employees accrue annual leave at the same rates, and become eligible to take leave as it is earned. Part-time employees accrue annual leave at that proportion of the accrual rates equal to the proportion which the number of hours they ordinarily work per pay period bears to a regular 80 hour pay period. This proportion will be established by the supervisor in

consultation with the Administrative Director.

Employees may accrue up to 240 hours of annual leave. At termination, employees will be paid for up to 160 hours accrued annual leave if the employee has complied with the termination provisions of this Manual, are not otherwise indebted financially to DNA, and fulfilled their employment commitment to DNA.

2. Use

Employee's must receive advance written approval from their supervisor at least 5 days before taking 2 or more consecutive days of annual leave. If a DNA holiday falls during annual leave, that day will not be charged to annual leave. An illness occurring while an employee is on annual leave may be charged to sick leave, but does not extend the employee's absence from the office.

3. Advance Annual Leave

Up to 5 days of advance annual leave may be obtained in unusual circumstances, upon advance written approval of the supervisor and the Executive Director, with a copy to Accounting. The advance may be granted only to employees who have been with DNA for 1 year, with good performance, and who have agreed to remain with DNA until enough annual leave has accrued to repay the advance, or to have the remaining advanced hours deducted from their final paycheck.

D. Snow Days

Should there be winter driving/traveling conditions in an office's service area, that office will follow the local school district closure or delay, i.e., if the local school district calls for a 2-hour delay, the office may have a 2-hour delay, arriving at work at 10 a.m. However, if staff live within a reasonable distance and are able to travel to work safely, they are expected to go to work. If schools call for a "no school" day, driving conditions often improve later in the morning. Take note of driving conditions and plan to arrive at work once conditions improve.

Managing Attorneys or their appointee may decide on early release for their office on days where inclement weather is expected, especially for staff who drive long distances.

In implementing this policy, staff must keep in mind we are here to serve the public and attention to their needs should be considered for office closure.

Hours missed for inclement weather are charged to Administrative Leave.

E. Administrative/Training Events

Full-Time employees will be paid to attend directly relevant or mandatory training events each year, as DNA's budget allows. Training attendance must be pre-approved via a Training Request form, by the employee's supervisor and the Administrative Director for Administrative Unit personnel and by the Director of Litigation for Legal Unit personnel. Litigators must comply with the Continuing Legal Education (CLE) requirements of the Bar Associations to which they are admitted. Failure to obtain pre-approval is grounds for charging the time to leave without pay and denying all travel expense claims connected to the training.

F. Employee Wellness Program

DNA-People's Legal Services supports the wellness and personal development of its employees. To encourage health, fitness and nutrition, DNA provides the following benefits to all staff members - exempt and non-exempt.

Reimbursement for Wellness Costs

- DNA will reimburse employees for wellness costs, up to \$75 per calendar year
- Eligible costs include: race/fitness event registration fees, gym or pool membership, fitness class fees (martial arts, yoga, Pilates, aerial arts, belly dancing, massages, sweat lodges etc.), DNA sponsorship of employee participating in an event (such as a fundraiser walk), new fitness gear, or ergonomic furniture.
- Unused benefits carryover to the next year, up to \$150.00 banked at one time
- To be reimbursed, employees submit receipt of purchase and requisition form
- Upon separation from DNA, no employee may cash out unused benefits without proof of a qualifying purchase, said purchase occurring prior to separation.

Wellness Leave Benefit for Physical Activity during Work

- To acknowledge that our jobs can interfere with the very activities which keep us engaged and productive, employees can use an additional leave benefit to stay active during work, up to 2 hours per week
- Eligible activities include a trip to the gym, exercise outside, an office group walk, or attending a fitness class
- Exempt employees must complete a timeslip documenting their activity, and this time does not count towards their flex leave accrual (treated as SLA/SLS, not as SLB)
- Non-exempt employees complete a Leave slip to document their activity
- Part-time employees will enjoy a prorated leave benefit proportional to their work schedule

DNA Sponsored Wellness Training and Fitness Activities

- At each all-staff and/or all-employee meeting, DNA will provide training on rotating wellness topics and also sponsor group fitness activities, as follows:
- Training topics can include stress management, meditation, nutrition, preventative medicine, etc.
- Optional led fitness activities in the mornings or evenings can include a group run/walk or a yoga/stretching class
- When meals or snacks are provided, a healthy option will be offered.

G. Bereavement Leave

An employee who suffers a death in the immediate family (as defined in Part II(H)) may take up to 4 days of paid leave. Any additional time off will be charged to flex leave, then to annual leave, and then to leave without pay. Bereavement leave may be granted by the Executive Director in other appropriate circumstances. Employees taking leave under this section must attach a memorandum to their time sheet explaining their relationship to the deceased.

H. Election Day Leave

Regular employees who are registered voters may take 2 hours off with pay to vote on the day of any public or governmental election. If an employee's polling place is located at a round-trip distance greater than that which can be traveled in 2 hours, the employee should vote absentee. However, additional time may be granted with the advance approval of the immediate supervisor if the employee submits a written memorandum explaining why the employee could not vote absentee. It is recommended that election

day leave be taken at the beginning or end of the work day.

I. Jury Leave

A copy of any jury summons received by an employee should be delivered to the employee's supervisor. The employee may serve for the time required with full pay and benefits. Jury duty pay received from the court (excluding expenses) will be deducted from the employee's pay.

J. Witness Leave

Any employee not a party to the action who is subpoenaed as a witness will receive full pay and benefits during the time needed to comply with the subpoena. Any witness pay received (excluding expenses) will be deducted from the employee's pay. Leave for personal court matters will be charged against annual leave or leave without pay.

K. Bar Examinations Leave

C. **In General**

Tribal Court Advocates and trainees are expected to pass the tribal bar exam, or otherwise become licensed in the tribal bar relevant to their office, within their first year of employment. Law graduates, or attorneys licensed in states not relevant to their office, are expected to become licensed in both the tribal court relevant to their office (if applicable), AND the state court relevant to their office, within their first year of employment.

DNA's bar leave is a forgivable loan. Litigators are required to sign a promissory note before being paid for any bar leave. By signing the note, the litigator agrees to abide by the terms of the note and repay DNA for all or part of the bar leave money received if (s)he leaves DNA's employment before the loan is forgiven. The promissory note allows DNA to withhold up to 50% of the employee's last net paycheck, and up to 100% of any final annual leave check, to (begin to) reimburse DNA for bar leave debt incurred. Litigators leaving before bar leave loan(s) are forgiven must arrange further repayment with Accounting before their last day of work.

Bar leave loans are forgiven on the following schedule:

NUMBER OF QUARTERS OF FULL-TIME EMPLOYMENT COMPLETED	PERCENTAGE OF TOTAL PAYMENTS MADE BY DNA TO THE LITIGATOR ELIGIBLE FOR FORGIVENESS
--	--

FOLLOWING LAST DAY OF
BAR LEAVE

1 (0-90 days)	0%
2 (91-180 days)	25%
3 (181-270 days)	50%
4 (270-365 days)	75%
5 (365+)	100%

Up to 20 work days, plus the days of the exam, may be taken to study for and take a first relevant state bar examination for attorneys, or, for a first relevant tribal bar examination for advocates. Litigators taking a relevant tribal bar examination for the first time may either be paid to take a 5-day bar review course, or take up to 5 work days, plus the day of the exam, to study for and take the exam. Up to 15 additional work days may be taken, upon written approval of the Director of Litigation with a copy to Accounting, by Litigators enrolled in a bar study course of longer than 4 weeks duration for the first exam, or in other exceptional circumstances. The actual number of additional work days taken is dependent upon the date on which the bar study course begins, which must be documented in the request to the Director of Litigation. Failure of a Litigator to pass a relevant bar exam may be cause for termination of employment. In extraordinary circumstances, which must be documented, the Director of Litigation may permit a Litigator a subsequent attempt, but any time used to prepare for and take the subsequent exam, and any time used in excess of the above limits for a first exam, will be charged first to annual leave and then to leave without pay.

2. Multiple Licensing

In offices where licenses in more than 1 state are relevant to DNA's practice, 1 lawyer designated by the Director of Litigation may receive paid leave to take the additional examination. Other attorneys in the office will not receive bar leave, nor be reimbursed for expenses connected to the exam, for multiple bar examinations.

L. Sabbatical

Employees who have been with DNA for 3 years or more may take an unpaid sabbatical of up to 6 months with the written approval of the employee's supervisor and the Executive Director, with a copy to Accounting. The employee must request a sabbatical at least three months prior to taking the leave. An employee is entitled to

an unpaid sabbatical following each further 3 years of employment at DNA. The 3 years begins accruing after returning to work from a previous sabbatical. During a sabbatical, employees do not accrue leave or any other benefits, except they remain insured under DNA's insurance plan. An employee must ensure proper transfer of all cases on which the employee is working before the employee's sabbatical begins. Employees must commit to stay with DNA for at least 1 year after returning from sabbatical. If an employee leaves employment with DNA before 1 year after returning from sabbatical, the employee must reimburse DNA for all insurance premiums paid while on sabbatical.

M. Parental Leave

A regular employee may take a maximum of 6 weeks paid parental leave, plus 6 weeks of leave without pay, during the 3 months before or after the birth of his or her child or the adoption of an infant child. Again, DNA follows the federal Family Medical Leave Act [see section IX(B)(8) above]. Sick leave (earned or donated) also may be taken for illness or medical treatment related to pregnancy or birth. Additional absences will be charged first to annual leave, and then to leave without pay. At least 30 days before taking parental leave, the employee must provide his or her supervisor and Unit Director with a proposed leave schedule. The schedule must be consistent with professional responsibility and must be approved in writing by the supervisor, with a copy to Accounting. Employees taking parental leave are not entitled to donation of sick leave, except when taken for illness or medical treatment related to pregnancy or birth.

N. Military Leave

In addition to all other forms of leave, employees in the armed services, reserves or state or National Guards may take unpaid military leave. Notice of proposed military leave must be given to the employee's supervisor. The amount of military leave taken cannot exceed the time during which a service member must be absent from DNA to perform military duties. Military leave does not affect seniority, salary, or accrual of annual or other leave. Rights of employees returning from military leave are set forth at 38 U.S.C. Section 2021 et. seq.

O. Leave Without Pay

Leave taken that is not charged to any other type of leave will be treated as leave without pay. Employees are not paid for leave without pay, nor do they accrue other leave benefits when

taking leave without pay. Employees must receive prior written permission from their supervisor at least 2 days in advance of taking leave without pay. Failure to do so is grounds for disciplinary action with approval from the Administrative Director. Any form of leave used without required approval may, in the discretion of the supervisor responsible for approval and with notice to the Administrative Director, be charged to leave without pay.

X. STANDARDS OF CONDUCT AND INFRACTIONS

A. General Policy

The key to DNA's disciplinary system is simple: Does the action in question assist--or does it impede--DNA in accomplishing its mission and goals? Our goal - whether a custodian or a litigator in federal court - is to help our clients with their legal problems. We are all expected to do our jobs, to be at our assigned work place, and serving our clients and communities. Consistent with the Navajo philosophy of K'e (K'e is the maintenance of peaceful relationships through kinship and respect for self and others. There are principles and procedures to follow in order to maintain the balance of a peaceful coexistence in nature and in social groups. These principles and procedures work to establish relationships of goodwill and solidarity. They promote the creation of strong and enduring bonds), and the Hopi concept of kyavtsi, (to maintain the highest degree of respect for, and obedience to the moral standards of ethics, so as not to knowingly abuse, alter or oppose the progressive order, and cycle of nature and the sacred manifestation of the Creator's teachings), DNA fosters the philosophy "All were created to assist one another."

Overall, DNA's policy is that all employees show up on time, do their assigned work in accordance with their job description, contribute to a constructive office atmosphere, not stir up office trouble, and behave in a professional manner appropriate to a law office.

DNA employees must exercise good judgment and discretion in all DNA business. They shall maintain client confidences and the reputation of DNA, and at all times treat clients, fellow employees, and the public with courtesy and respect. DNA requires its employees to comply with the Legal Services Corporation Act and rules and regulations promulgated under the Act and to comply with the requirements of all other funding acts or grants. A copy of the

Act is located in each office's compliance manual. The Managing Attorney of each office shall ensure that all office employees receive orientation and are familiar with the provisions of appropriate funding Acts or grants. The Grants Manager shall notify all supervisors of amendments to the Legal Services Corporation Act, explain their importance and resolve all questions presented by any employee regarding the Act. The Managing Attorneys must ensure that employees have read this Manual and signed the Certificate. The Certificate must be sent to the Administrative Assistant for inclusion in the personnel file with a copy given to the employee.

When there are problems with employees, supervisors are expected first to coach and train those employees (in accordance with k'e and kyav'tsi), before resorting to the discipline policy. The supervisor will write a follow-up e-mail documenting this/these conversation(s). If the attempts to resolve issues through talking things out breaks down, then the discipline policy controls.

XI. DISCIPLINARY PROCEDURES

In resolving conflicts or matters involving discipline, all employees will interact in an honest, straightforward, professional manner.

Managing Attorneys and Managing Advocates (collectively "MAS") are responsible for maintaining discipline and professional standards in their respective offices. The MA is required to exhibit patience and professionalism in coaching, counseling, motivating, and disciplining staff regarding required office procedure and work habits. As set forth in the Performance Evaluations section of this manual, MAS are also expected to deal with disciplinary issues as they arise, and not wait until an employee's annual performance evaluation to discuss the issue.

A. If an employee is performing poorly, after first trying to resolve it by talking it out (through k'e or kyav'tsi), and a follow-up e-mail documenting that process, the supervisor shall use the Complaint and Disciplinary form to write up the employee within 30 days of the infraction. When a supervisor writes a complaint, it is considered to be substantiated. The complaint will be forwarded to the Human Resource Director for disciplinary recommendation, in accordance with paragraph C below. If the employee disagrees with the discipline, they follow the appeals process below.

B. Complaints regarding the conduct of an employee shall be

directed first to the MA. Any complaints regarding the conduct of an MA shall be referred to the Director of Litigation. Any complaints regarding the conduct of administrative staff, including the Director of Litigation or Human Resource Director, shall be referred to the Executive Director. All complaints will be copied to the Human Resource Director.

C. The investigating supervisor and Human Resource Director shall meet (in person or otherwise) and confer within 2 weeks of receiving the complaint. For any complaint regarding the conduct of an employee, the responsible supervisor shall first acknowledge receipt of the complaint to the complaining party and the accused employee, and shall then investigate the matter and decide whether the complaint is (un)substantiated within 30 days of receiving the complaint. Supervisors shall use the DNA Complaint and Disciplinary Form to document the factual findings and the proposed disciplinary action. All Complaints and Disciplinary Forms shall remain in the subject employee's personnel folder for 2 years. If the complaint is not substantiated, it will be used for historical reference only. If the supervisor fails to address a matter within 30 days, the Human Resource Director will work with the supervisor to resolve the complaint within 15 days thereafter.

D. If a complaint is substantiated, the Human Resource Director will make a recommendation about the punishment to the supervisor within 15 days. Within 2 business days, the supervisor may choose a lesser punishment; otherwise, the Human Resource Director's recommendation controls.

E. Disciplinary decisions by MAs can be appealed by the employee to the Director of Litigation (for litigators--or if there is no Director of Litigation, the Senior Attorney covering that employee) or to the Human Resource Director (for non-litigators). An employee's appeal must be submitted within 30 days. After 30 days, no appeals will be permitted and the disciplinary action will be imposed. Disciplinary decisions by the Executive Director (regarding the conduct of administrative staff) are final.

Upon receiving an employee's appeal, the Director of Litigation (or Senior Attorney) or Human Resource Director shall reach a decision within 30 days. If the original decision of the MA does not involve demotion or suspension or recommendation of termination, the decision of the Director of Litigation/Senior Attorney or Human Resource Director is final.

If the original decision of the MA involves demotion, suspension,

or recommendation of termination, the decision of the Director of Litigation/Senior Attorney or Human Resource Director can be appealed to the Executive Director. The Executive Director's decision on the appeal is final.

The list of offenses set out below are by way of example only.

F. Violations

Subject to applicable federal, state or tribal law, DNA may terminate an employee; however, DNA may choose less serious discipline, in its sole discretion, including, but not limited to, the corrective actions for offenses outlined below.

a. **Minor Violations**

Minor violations are punishable by a penalty of up to 5 days suspension without pay or other lesser punishment upon the first offense, as set forth below. Examples of conduct ordinarily constituting a minor violation are:

- a. Wasting time, spending excessive time on personal activities, or being away from the assigned workplace for long periods without good cause;
- b. Absence from work without permission;
- c. Tardiness, with or without failure to notify supervisor regarding anticipated tardiness;
- d. Careless use of DNA property which does or reasonably might injure people or property;
- e. Failure to report an accident involving property damage of less than \$100, which involves DNA property or a DNA employee on DNA business;
- f. Discourtesy to the public or other employees;
- g. Failure to follow DNA policy or instructions of a supervisor or to perform job duties;
- h. Failure to satisfactorily perform duties;

- i. Engaging in activity leading to office disruption.

2. Major Violations

Major violations may result in severe discipline upon the first offense, such as suspension without pay for 5 or more days, or termination of employment, as set forth below. Examples are:

- (a) Conduct constituting sexual harassment (see Sexual Harassment Policy, Section XII.D.);
- (b) Repeated or multiple (2 or more) minor violations;
- c. Unreasonable, purposeful, repeated or significant failure to follow instructions of a supervisor, to perform job duties, or to follow the policies and procedures contained in this Manual, the Litigator's Manual or the Accounting Manual;
- d. Theft from DNA, its employees, clients, or others;
- e. Violations of client confidentiality or other serious violations of legal ethics;
- f. Lying or other dishonesty in office matters, including omission of pertinent facts in or falsification of DNA records (such as timesheets, Travel Expense reports, leave slips etc);
- g. Dishonesty in filing a grievance or in testimony or other presentation of evidence in a grievance proceeding;
- h. Absence without notice for a full day or more or failure to give notice of any anticipated absence;
- i. Physical or mental abuse, harassment, threat or intimidation of clients or other employees;
- j. Failure to comply with the Legal Services

Corporation Act and Regulations;

- k. Failure to report an accident involving personal injury or property damage in excess of \$100, which may implicate DNA;
- l. Failure to report an arrest or criminal summons or criminal investigation regarding any matter which might reasonably be expected to impact the reputation of DNA.
- m. Violation of DNA's Drug Free Workplace Policy;
- n. Charge, investigation, or conviction of a crime involving moral turpitude;
- o. Consistent or repeated failure to exercise good judgment and business sense within the community; and
- p. Repeated unsatisfactory overall performance evaluation rating or failure to take the corrective actions suggested.

G. Warnings and Penalties

One (1) or more penalties may be imposed. Absent special circumstances, offenses are subject to the following penalties. Note: subsequent offenses need not be of the same specific rule.

a. Minor Violations

- i. First offense -- oral or written warning and/or placement on probation or up to 5 days suspension without pay. A record of the oral and/or written warning should be maintained in the employee's personnel file.
- ii. Second offense -- written warning, suspension, or up to 5 days suspension without pay;
- iii. Third offense -- suspension, up to 5 days suspension without pay, or discharge;

b. Major Violations

- i. First offense -- written warning and placement on employment probation, suspension, up to 20 days suspension without pay, or termination of employment. A record of the written warning should be maintained in the employee's personnel file;
- ii. Second offense -- up to 20 days' suspension without pay, or termination of employment;
- iii. Subsequent offense--termination.

H. Suspension and Termination

- a. Suspension -- An employee may be suspended without pay by a supervisor for up to 20 work days.
- b. Termination -- An employee may be terminated from employment only by the Executive Director, or by a supervisor with the Executive Director's written approval. In exceptional circumstances, the Executive Director's approval may be oral, so long as later ratified in writing. In addition to a written disciplinary report, oral notice of termination will be given by a supervisor, if practicable. Ordinarily, employees who are terminated from employment for incompetence or other nonfeasance will be given 2 weeks' notice of termination. Employees may be excluded from DNA premises following notice of termination.

K. Violation of Legal Services Act or Regulations or Other Funding Acts

The Human Resource Director and Executive Director must be consulted before implementation of any disciplinary action for violation of the Legal Services Act or other funding acts. If an employee violates an Act, the disciplinary and grievance policies contained in this Manual govern, with the following modifications regarding sanctions:

- a. If a violation is minor and unintentional or there are sufficient mitigating circumstances,

the violation will be treated as a minor violation under Section XI(H)(1).

- b. Before an employee is suspended or terminated for violating the Act, the Human Resource Director will consult with the appropriate LSC or other funding officials to ensure that DNA's interpretation of the Act is consistent with policy.

XII. SEXUAL HARASSMENT POLICY AND PROCEDURE

A. Sexual Harassment Policy

Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of the conduct by an individual is used as the basis of employment decisions affecting the individual; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

An employee who believes s/he is being subjected to unwelcome conduct of a sexual nature must notify the offending person that the conduct is unwelcome.

Individuals who believe that they are being sexually harassed should immediately notify the Executive Director. (If the Executive Director is believed to have committed the sexual harassment, the employee should report the act to the Director of Litigation or Administrative Director or the Board President. The Board President will then take all action otherwise required of the Executive Director in this section.)

Investigation of sexual harassment complaints is conducted in the strictest confidence by the Executive Director (or Board President or designee). No one will be penalized or subjected to

retaliation for filing a good faith complaint of sexual harassment or for cooperating in the investigation of a sexual harassment complaint.

Retaliation of any kind against anyone involved in the investigation or making of an allegation of sexual harassment is prohibited and will subject the retaliator to disciplinary action up to and including termination.

Sexual harassment is a major violation of DNA policy. Any employee, supervisor, or manager who is found to have engaged in sexual harassment of an employee will be subject to appropriate disciplinary action.

Unit Directors and Managing Attorneys will ensure that all of the employees that they supervise have read the Sexual Harassment Policies and that all employees sign a certificate to that effect. The Administrative Director will ensure that the Sexual Harassment Policy is reviewed with all staff on a periodic basis.

B. Procedure For Sexual Harassment Complaints

1. Any employee who believes s/he has been subjected to sexual harassment may file a complaint. The complaint should be in writing, should describe the underlying event(s) and should be e-mailed, mailed or hand delivered to the Executive Director within a reasonable time after occurrence of the event that is the subject of the complaint.
2. Within 3 working days after receiving the complaint, the Executive Director will send written notice of the complaint to the employee against whom the complaint has been made. The Executive Director will send a copy of the notice to the complaining employee.
3. All parties to the grievance must file any documents relevant to the complaint with the Executive Director within 10 work days after receiving the notice described in Section D.2.b.
4. The Executive Director will initiate an investigation of the complaint and will conduct a hearing on the complaint within 20 work days of the deadline for filing documents.

5. The parties to the complaint have the following rights at the hearing:
 - a. To be present;
 - b. To be represented by counsel at their own expense;
 - c. To present and cross-examine witnesses and to present other relevant, reliable, and non-repetitive evidence;
 - d. To have access to all relevant evidence and free reproduction of written evidence under the control of DNA, unless disclosure of evidence would violate client confidences. Under those circumstances, access will be permitted only if the client voluntarily waives confidentiality. Individual performance evaluation forms will be provided only in typed form with the name of the person completing the form deleted.
 - e. The complaining party is entitled to be reimbursed by DNA for all reasonable and necessary expenses other than counsel fees. The employee whose conduct is the subject of the complaint is also entitled to reimbursement if the final decision is in his or her favor.
 - f. To have the proceedings tape recorded at DNA expense.
6. The Executive Director will issue written findings and a decision on the complaint within 5 working days after the hearing.
7. Every employee retains their right to make a complaint to the Equal Employment Opportunity Commission and to any other rights contained in state, federal or tribal Law.

XIII. OUTSIDE EMPLOYMENT

A. General Policy

DNA employees are expected to devote their full professional

energies to their work with DNA. Except for the limited exceptions outlined at 45 CFR 1604, and in accordance with the conditions in this Section of the Manual, employees may not engage in outside employment. Non-legal outside employment must be approved by the Executive Director.

B. Exceptions

Employees must not engage in any compensated or uncompensated outside employment without prior written approval from the managing attorney (if an agency office employee), and Executive Director. Approval may be granted for no more than 2 matters at any time if the work will not:

1. Interfere with the efficient performance of DNA duties;
2. Constitute a conflict of interest;
3. Occur during regular working hours unless the employee is on leave;
4. Utilize the name or address of DNA;
5. Involve any representation that the employee is acting on behalf of or as an agent of DNA;
6. Involve any use of DNA resources or other DNA personnel, unless the other personnel also comply with these procedures.

Before an employee will be permitted to engage in outside legal work in other than court-appointed cases, the employee must get the party for whom the work will be done to sign a waiver confirming that the party understands that DNA does not represent them (Appendix A). If in the course of volunteer employment it appears that one of the above requirements may be violated, the employee must obtain the approval of the managing attorney (if a branch office employee), the Executive Director and Director of Litigation before continuing the volunteer work.

C. Court Appointments

Employees are periodically appointed to represent a party, or to serve as guardian ad litem in Tribal Court. When appointed, the employee, and not DNA, must provide the representation although DNA resources may be used. An Outside Practice of Law form is not

required. Any employee leaving DNA remains personally responsible for completing client representation in court-appointed cases.

In court-appointed cases, all ethical and LSC requirements must be adhered to, such as conflict of interest check, financial eligibility, citizenship signatures, Retainer Agreements, etc. If a court appointed client would be a conflict of interest or does not meet an LSC requirement, the litigator must do a Motion to Withdraw. If the motion is not granted, the litigator must continue representation.

XIV. RESTRICTED ACTIVITIES

Employees of DNA must adhere to regulations of the Legal Services Corporation restricting political and other activities (45 CFR 1608, 1612) and to the regulations of all other applicable funding acts. Employees shall not engage in prohibited activities during working hours or with DNA resources.

XV. PUBLIC RELATIONS

A. Advance Notice to Executive Director

Any Litigator involved in a significant or controversial case must notify the Executive Director. Notice must be given as far in advance as possible so that press contact may be anticipated and responses planned. Failure to notify the Executive Director of a case that is likely to receive media coverage can be grounds for disciplinary action.

B. Contact with the Media

No employee may initiate or respond to any contact with the media regarding DNA, or cases in which it is involved, without first consulting with the Executive Director.

C. Public Contact

Employees asked by an outside organization to appear on behalf of DNA, or to make any presentation about DNA, other than in the ordinary course of client representation or community education, must have the prior approval of the Executive Director, in consultation with the Administrative Director, before accepting the invitation.

D. Out-of-Court Statements

All employees should be alert to and follow ethical rules restricting or prohibiting disclosure of confidential information, and out-of-court statements about particular cases. In general, any discussion with the media regarding pending cases should be limited to matters contained in pleadings or otherwise of public record.

E. Information Disclosure

1) **General Policy**

The following information is available for public inspection during business hours at DNA's Central Office:

- a. The Legal Services Corporation Act of 1974 and regulations promulgated under the Act;
- b. DNA's Personnel Policies and Procedures Manual; and
- c. Names and addresses of the Board's members. Requests for access to this information must be made to the Executive Director. Copies of this material will be provided on request following payment of a reasonable copying charge.
- d. Case disclosure information as required by 45 CFR Section 1644.4(a) and(b).

2) **Other Information**

If a member of the public wants access to other information, the requesting party will be told about the availability of a Freedom of Information Act request to the Legal Services Corporation or, in the Executive Director's discretion, DNA may provide access to the information.

3) **Restricted Information**

- a. Nothing in this Manual requires disclosure of:
 - i. Any information furnished to DNA by a client;
 - ii. Attorney, advocate, paralegal or other DNA work product;

- iii. Material used by DNA to provide representation to clients;
- iv. Any matter that is related solely to the internal personnel rules and practices of DNA not included in the DNA Personnel Policies and Procedures Manual;
- v. Personnel, medical, or similar files; or
- vi. Any other information protected by the attorney-client privilege or any other privilege.

b. Otherwise privileged information may be disclosed to properly authorized agents of the Legal Services Corporation and to DNA's independent auditor.

XVI. GRATUITIES AND HONORARIA

A. Acceptance of Gifts and Gratuities

Employees, their immediate families, and Board members are prohibited from accepting money or gifts from:

- 1. Persons receiving services from DNA;
- 2. Any person or entity performing services under contract with DNA;
- 3. Persons who are otherwise in a position to improperly benefit from the actions of a DNA employee.

B. Honoraria

The rules regarding outside employment apply to lectures and other activities for which honoraria may be received. Honoraria received in connection with activities relating to DNA employment must be reported and promptly paid to DNA. To avoid tax implications, employees may instruct the payor to pay the honoraria directly to DNA.

XVII. RESIGNATION

A. Notice

To resign, an employee must submit a letter of resignation to his or her supervisors and the Executive Director. The letter must indicate the effective date of termination. Employees who are exempt from the Fair Labor Standards Act must give at least 30-days notice. Non-exempt staff must give at least 2-weeks' notice. These requirements may be waived by the Executive Director for good cause. Managing Attorneys must notify the Administrative Director as soon as the Managing Attorney learns of a field office employee's resignation. The Office Manager completes the Employee Termination Notice, ensures that the employee leaving has signed it, and then forwards it to the Administrative Director.

B. Requirements

From the time notice is given until their last day of work at DNA, litigators must do ALL of the following:

1. Ethically and responsibly close out as many cases as possible, so that there are as few cases as possible to leave with other DNA litigators;
2. Not accept any more cases for representation;
3. Have all of their timeslips entered into Kemp's/Prime, up to and including the litigator's last day of work;
4. Have all of their case notes in Kemp's/Prime updated;
5. For cases that cannot be closed before the litigator's last day, ensure proper transfer of those cases to other DNA litigators or volunteer attorneys/Tribal Court Advocates;
6. For cases that cannot be closed before the litigator's last day, complete Transfer Memos (these may be entered into Kemp's/Prime, but also printed out and put into the file);
7. Meet with the Director of Litigation to review remaining cases and their transfer, and for an exit interview;
8. For court-appointed cases, close out those cases in Kemp's/Prime, and arrange to take them, since the litigator is personally responsible for completing

them;

9. Meet with Fiscal Manager or her designee in Accounting regarding any repayment of bar leave or student loan deferral/forgiveness; and
10. Clean out file cabinets of accumulated papers, keeping in mind that such papers are unlikely to be of help to a future litigator.

If an employee does not properly transfer cases or receive the required approvals, and that failure results in a violation of ethical responsibilities, the Executive Director may report the employee's conduct to all bar associations of which the terminating employee is a member.

All departing DNA employees must notify their Office Manager of the most current passwords on their computers and telephones. They must also complete any outstanding administrative needs, such as outstanding Travel Expense Reports, signing the Termination Notice, etc;

C. Annual Leave

DNA will pay a terminating employee for 160 hours accrued annual leave only if the employee complies with these procedures and has completed any employment commitment to DNA. No annual or flex leave may be taken by exempt employees during the 60-day period following the submission of their resignation notice except with the approval of the Executive Director.

D. DNA Property

All DNA property in the possession of the employee must be returned. DNA must be reimbursed for all personal telephone calls, advanced annual and sick leave, and all other debts the employee owes to DNA before the employee's termination date.

XVIII. REDUCTIONS IN FORCE (RIF)

**REF: Board Resolution 2017-04 Approved July 11, 2017 by
Executive Committee**

A. In General

A reduction in force ("RIF") is any layoff involving more than 2 employees or any deliberate reduction in the number of regular DNA employees, including refusal to fill vacant

positions or elimination of positions. No RIF will take place until a written RIF plan has been approved by the Compliance Committee of the Board of Directors. At least 7 days before Compliance Committee action, the plan must be circulated to all affected DNA offices and to the Directors of the Board for comment. Comments should be sent to the Compliance Committee and the Executive Director. The RIF plan must contain:

1. An explanation of the reasons for the RIF, including, when appropriate, the amount of any budget reduction desired and amount of savings the RIF will produce.
2. A description of alternatives to achieve the objectives, and why those alternatives are less desirable. If the RIF will reduce direct delivery staff (advocates, attorneys, paralegal, and their support staff), the plan must explain why reductions in other staff categories are not an acceptable alternative.
3. Identification of the number, office location, and the job title of all positions to be reduced, and an explanation of the reasons for reducing those positions. This explanation shall consider, to the extent relevant, DNA priorities in resources allocation, relative service populations in all offices and the legal needs of those populations, and the professional to support staff ratio in each office.
4. An explanation of the method and timetable for achieving the RIF, whether by layoff, freezing of vacant positions, position elimination, or otherwise.

B. Preference in Retention

Any RIF will be consistent with applicable preference and affirmative action laws.

C. Resignations and Notice

All full-time employees laid off due to a RIF are entitled to 7-days' notice of termination.

D. Future Employment

Employees laid off due to a RIF will be granted preference in future hiring if consistent with applicable preference laws and policies and if the employee had satisfactory job performance in the eliminated position.

XIX. PERFORMANCE EVALUATIONS

A. In General

All DNA employees will be evaluated by their direct supervisor in writing at least once each year. No employee can be considered for a merit increase until the employee's annual written evaluation has been completed with appropriate recommendations made by the supervisor. The Administrative Director ensures that evaluations of all support staff and administrative/executive staff are completed in a timely manner, and the Director of Litigation ensures that evaluations of all litigators are completed in a timely manner.

If supervisors notice problems in an employee's job performance, the supervisor should discuss the concerns as they arise, rather than waiting until the time of the evaluation. If an employee has had performance goals, an improvement plan, or a training plan incorporated in his/her last evaluation, that plan should be addressed and discussed during the year, rather than waiting until the employee's next annual evaluation. At the very least, prior to the performance evaluation, the supervisor should discuss the work or conduct with the employee and suggest ways to improve the work or conduct. The supervisor should warn the employee that failure to take suggested corrective actions may result in no recommendation for merit increase or other disciplinary action.

Performance evaluations are contained in Exhibit D of this manual, and are specific to the employees' job descriptions.

B. Evaluation Procedures

- a. Timing. Steps 2-4 should be initiated 30 days before the employee's anniversary date, and should be completed by the employee's anniversary date.
2. Self-evaluation. All employees will write a self-evaluation, using the performance evaluation for their job description.

3. Supervisors should request input from other staff who interact with the employee, using the performance evaluation for the employee's job description. The identity of the commentor, but not the substance of comments, are held in confidence. All litigators must inform their Managing Attorney, and Managing Attorneys must inform the Director of Litigation of their court hearings, so that they may be observed and accurately evaluated.
4. Draft Evaluation - The evaluator should prepare a draft written evaluation, using the employee's self-evaluation, their own evaluation of the employee, and comments solicited and received. A copy of the draft evaluation will be given to the employee, who will have at least 5 work days to comment. The supervisor will conduct a conference with the employee to discuss the evaluation and any improvement or training plans suggested.
5. Final Evaluation - If the draft evaluation is acceptable to the supervisor and the employee, both will sign it as the final. Comments may be made to the draft and initialed, to be made final. The final evaluation is delivered to the Administrative Director for support/administrative/executive staff, or the Director of Litigation for litigation staff, for review. They will then forward the final evaluation to the Executive Director for final approval and inclusion in the employee's personnel file. If a supervisor and employee cannot agree to the final performance evaluation, they will meet with the Administrative Director (for support/administrative/executive staff) or the Director of Litigation (for litigation staff) to resolve differences in opinion and reach the terms of a final performance evaluation.
6. Use of Evaluation - The evaluation will be used to help determine whether a merit increase is appropriate, the number of steps on the salary scale by which pay should increase, or change in applicable pay scale. It will also be used to identify specific deficiencies in performance, and a plan to improve those deficiencies, within a particular time frame. The evaluation may form the basis for disciplinary action, when deficiencies were identified, and the employee given a reasonable chance to resolve those deficiencies, and did not do so.

XX. JOB DESCRIPTIONS

DNA's job descriptions are contained in Appendix C of this Manual. When budgetary constraints limit DNA's ability to fill each position with a separate employee, the Executive Director may combine positions, assigning the responsibilities for 2 or more positions to 1 employee. From time to time, a grant may require a specific job description for a position; DNA will create the job description for the grant and the employee will be made aware that the job lasts only as long as funding for the position lasts.

XXI. APPROVAL FOR APPELLATE COURT WORK

A Litigator shall not, in the initial retainer agreement signed by a client, agree to represent a client on a case beyond the trial court level. The decision to make an appeal is a separate decision made by DNA based on the likelihood of success of an appeal, importance of the legal issue, resources available, soundness of the case at hand, and any other relevant issues. If a client receives an adverse ruling and wants to appeal the case to the next appellate level, the litigator must obtain permission to pursue the case from the Director of Litigation and the Executive Director.

To get permission to appeal an adverse decision, the litigator must submit a memorandum to the Director of Litigation that outlines:

1. The facts of the case introduced to the court,
2. a detailed legal analysis of the basis for the appeal, including case law and, for Navajo Supreme Court cases, Navajo custom and tradition,
3. The dates by which the Notice of Appeal must be submitted, as well as the schedule by which transcripts, briefs, etc. must be submitted under the applicable Rules of Appellate Procedure, and
4. A copy of the court's final order.

The Director of Litigation will review the memorandum and any other material (s)he feels relevant, and will make a recommendation to the Executive Director. The Executive Director makes the final decision on whether or not to take the appeal. A written approval or denial will be sent to the litigator. If approved, the litigator must obtain another Retainer Agreement from

the client for the specific appeal.

If the appeal is approved and oral arguments are scheduled, the litigator must participate in moot oral arguments with the Director of Litigation, the Executive Director, and their designees.

This provision applies to all cases seeking appeal to state and federal appellate or Supreme Courts and to a tribal appellate or Supreme Court.

XXII. TIMEKEEPING REQUIREMENTS

LSC regulations require that DNA personnel keep contemporaneous time records on all cases, matters, and supporting activities. 45 CFR 1635. Every attorney, advocate, paralegal, advocate trainee, law clerk and law student will keep their time in the Kemp's/Prime database. For each case activity, the time shall be allocated to a specific client and shall include a case number.

Timeslips are to be entered into the Kemp's/Prime system at the time the work is completed. In extraordinary circumstances, the litigator may keep written time on paper, but that information must be entered into Kemp's/Prime on a weekly basis. At no time shall an employee be more than one week behind in entering time in the Kemp's system.

Employees shall use their Kemp's/Prime timeslips to complete their biweekly Timesheets for payroll purposes, noting the grants under which the employee spent time.

In the event that an employee does not submit a Timesheet to their Office Manager/Accounting by the end of the pay period, Accounting will contact the employee's supervisor to attempt to obtain a copy of the Timesheet. If an employee fails to submit a Timesheet in a timely manner, the employee risks not getting paid on time.

XXIII. CASE INFORMATION IN DATABASE

All client and case information shall be entered into the Kemp's/Prime database at the same time that the intake and interview of the client is being done. If it is impossible to enter this information onto Kemp's/Prime immediately, information will be added no later than 48 hours after the interview.

All staff are expected to be familiar with, and to review case information, including income and asset eligibility, problem codes, funding codes, and case closing information.

Upon closing a case in Kemp's/Prime, the LSC Compliance section of the Litigator's Manual will be followed. The entire Kemp's/Prime record must be reviewed by the assigned litigator for appropriate closing code, file destruction date, amounts recovered and avoided, ensuring the basic facts of the case are clear, notation of what service was provided to the client, and at least two time slips: One for the client interview, and the other for writing or reviewing the advice/closing letter to the client.

XXIV. CLIENT CONFLICTS OF INTEREST

For each applicant, DNA support staff will run a conflict check in Kemp's/Prime database. The Rules of Professional Responsibility specifically prohibit DNA from representing anyone against a current client, and from representing anyone against a former client in the same or substantially related matter.

If the support staff runs the conflict check, and believes a conflict of interest exists, (s)he will consult with the Managing Attorney, or the litigator assigned to handle conflicts that day. If, after consultation, it is determined that representation of the applicant is a conflict of interest, the support staff will give the applicant DNA's sheet on "Conflicts of Interest." In no event will support staff turn away a client based on a potential conflict of interest without first consulting with the Managing Attorney or her/his designee, and such a determination is made.

Where there is more than one litigator in an office, the Managing Attorney will create a rotating schedule under which a litigator will be assigned to handle emergencies on a given day.

XXV. CITIZENSHIP REQUIREMENT FOR CLIENTS

DNA may not provide legal assistance to otherwise eligible applicants for our services unless they fall into one of the following categories:

1. Citizens of the United States;
2. Lawful Permanent Residents;
3. Aliens who are married to, the parent of, or an unmarried child under 21 of a U.S. Citizen and have filed an

application for adjustment of status to permanent residency;

4. Refugees;
5. Asylees (a person who is seeking or has been granted political asylum);
6. Aliens granted withholding of deportation;
7. Conditional entrants; and
8. H2-A Agricultural Workers;
9. An alien who has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act [8 USC 1101(a)(15)(U)];* and
10. An alien whose child, without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act [8 USC 1101(a)(15)(U)].*

Applicants must attest to the fact that they are a US Citizen in writing, unless we only provide advice or brief service by telephone. If a client refuses to sign a citizenship attestation or indicates they are not a US citizen, we verify their citizenship status by looking at any of the documents listed in 45 CFR Part 1626. We do not make or keep a copy of any of these documents; we simply make a note of what document we looked at.

We may provide normal referral services to ineligible aliens, but we cannot provide legal services.

In emergency situations, legal assistance may be provided before all of the verification steps are completed, as long as eligibility information is obtained orally and written documentation, where required, is submitted as soon as possible.

Additionally, we may provide representation to all otherwise eligible Canadian-born American Indians who are at least 50% Indian by blood, and to members of the Texas Band of Kickapoo.

*DNA may help clients under these sections only with legal

assistance directly related to the prevention of, or obtaining relief from, the cruelty, sexual assault or trafficking, or the crimes listed in 101(a)(15)(U) of the INA (generally rape, incest, domestic violence, sexual assault, abusive sexual contact, being held hostage, kidnapping, abduction, or unlawful criminal restraint, or attempt to commit these crimes). DNA may help clients obtain "U" Visas.

This policy is based on 45 C.F.R. Section 1626. Any DNA staff member who has questions regarding this policy should address those questions to the Director of Litigation.

XXVI. INCOME AND ASSET LIMITATIONS FOR CLIENTS

A. Definitions

1. "Income" means actual current annual total cash receipts before taxes of the applicant's household.

2. "Household" means all persons who are resident members and contribute to the support of the applicant's household. If the applicant is a victim of domestic violence, "household" does not include the income or assets of the alleged perpetrator of domestic violence.

3. "Total cash receipts" include, but are not limited to:

- wages and salaries before any deduction
- income from self-employment after deductions for business or farm expenses
- regular payments from governmental programs for low income persons or persons with disabilities
- social security payments
- unemployment and worker's compensation payments
- strike benefits from union funds
- veterans benefits
- training stipends
- alimony
- child support payments
- military family allotments
- public or private employee pension benefits
- regular insurance or annuity payments
- income from dividends, interest, rents, royalties or from estates and trusts, and
- other regular or recurring sources of financial support that are currently and actually available to the applicant.

Total cash receipts do not include:

- The value of food or rent received by the applicant in lieu of wages
- Money withdrawn from a bank
- Tax refunds
- Gifts
- Compensation and/or one-time insurance payments for injuries sustained
- Non-cash benefits (such as Food Stamps)
- Up to \$2,000 per year of funds received by individual Native Americans that is derived from Indian trust income or
- Other distributions exempt by statute.

4. "Assets" means cash or other resources of the applicant or members of the applicant's household that are readily convertible to cash, which are currently and actually available to the applicant. Assets are valued by their fair market value (in other words, how much the assets could be sold for), less the amount the applicant owes on the assets.

5. "Poverty level" refers to the US Dept of Health & Human Services annual poverty guidelines, which are updated from time to time by the OMB. The annual poverty guideline amounts are established by household size.

B. INCOME LIMITS

The maximum annual income of persons receiving legal assistance from DNA shall not exceed 125% of the FPG unless:

1. Another grant with higher limits.

- a. If an applicant's income exceeds 200% of the FPG, and (s)he has a case which is covered by another grant DNA receives with income limits higher than 200% of the FPG, that applicant is not LSC-income-eligible, but may be found income-eligible under that other grant.
- b. If the applicant's income is between 125%-200% of the FPG, and their case falls under another grant with income limits higher than 125% of the FPG, we will still see if the applicant fits into one of the

categories in paragraphs 2-4 below, and if so, the applicant may be found to be LSC-income-eligible.

- c. If an applicant's income is between 125-200% of the FPG, and the applicant does not fall into one of the categories in paragraphs 2-4 below, the applicant is not LSC-income-eligible, but may be income-eligible under another grant with higher limits.
 - d. In paragraphs i, ii, and iii above, if an applicant is not LSC-income-eligible, no LSC funds may be used to pay for staff time spent on the applicant's case, and the case will not be reported to LSC. Litigators shall ensure that their time on a non-LSC-income-eligible case is charged to the other grant, both in Kemp's and on Accounting's payroll sheets.
2. Medical expenses. If a person is within DNA's asset guidelines, and his/her gross income exceeds 200% of the FPG, (s)he may be determined to be financially eligible if his/her gross income is primarily committed to medical or nursing home expenses, and if deducting these medical or nursing home expenses brings the applicant's income below 125% of the FPG. This exception requires prior written approval by the Executive Director.
 3. Maintaining benefits provided by a government program for low-income individuals or families. If a person is within DNA's asset guidelines, and his/her gross income exceeds 200% of the FPG, (s)he may be found to be financially eligible if (s)he seeks legal assistance to maintain benefits provided by a governmental program for low-income individuals or families.
 4. Other factors. If an applicant is within DNA's asset guidelines, and his/her gross income exceeds 125% of poverty, but does not exceed 200% of poverty, (s)he may be found to be financially eligible if:
 - i. The applicant seeks legal assistance to obtain governmental benefits for low-income individuals and families;
 - ii. The applicant seeks legal assistance to obtain or maintain governmental benefits for persons with disabilities;

Or we consider one or more of the following factors:

- iii. Current income prospects, taking into account seasonal variations in income;
- iv. Unreimbursed medical expenses and medical insurance premiums;
- v. Fixed debts and obligations;
- vi. Expenses such as child/dependent care, transportation (gas or bus fare), clothing and equipment necessary for employment, job training or educational activities in preparation for employment;
- vii. Non-medical expenses associated with age or disability;
- viii. Current taxes; or
- ix. Other significant factors that affect the applicant's ability to afford legal assistance.

The expenses considered in subsections c-i above do NOT need to be subtracted from income to bring the applicant below 125%; they just need to be considered by the Managing Attorney.

C. DOCUMENTATION.

When an applicant is found to be financially eligible and is provided legal assistance, DNA staff shall document the applicant's income and the basis for the financial eligibility determination in our Kemp's/Prime database. The decision and justification for finding an applicant who income exceeds 125% of the FPG (pursuant to paragraphs A-C above), to be income-eligible (under an LSC grant or another grant), the factors relied on to make such determination shall be documented in an over income Memo by the Managing Attorney/Advocate. The original over income Memo is kept in the applicant's file.

D. ASSET GUIDELINES

In cases where an applicant has available assets, which exceed the ceiling set forth below, representation generally will not be provided.

1. Asset Ceiling.

The combined total value of an applicant's available assets shall be \$10,000 for the first person in the household and \$4,000 for each additional person.

2. Waiver of Asset Ceiling

In unusual circumstances, the Executive Director or his/her designee is authorized to waive the asset ceiling for a particular applicant. A decision to grant a waiver shall be in writing, signed by the Executive Director, and shall record the reasons for the waiver; it will be kept in the client's file.

3. Exclusions from The Asset Ceiling

The following assets may not be counted when calculating an applicant's assets:

- a. Equity in principal residence.
- b. Vehicles used for transportation.
- c. Assets used in producing income. Examples of these are livestock, land, equipment and tools, so long as they are used to produce income.
- d. Other assets which are exempt from attachment under State or Federal law. An example of this is property to which trust restrictions are attached by reason of the fact that the property is owned, occupied, possessed or held for the benefit of a Native American.
- e. Assets of an alleged perpetrator of domestic violence, even if they are jointly held with the applicant victim of domestic violence.

4. Presumption of Asset Eligibility.

Because applicants who are currently receiving benefits under the following programs have already passed a more stringent asset test than the one applied for legal services, they shall be presumed to qualify for services under the asset restrictions adopted by DNA:

- a. Navajo Nation TANF or General Assistance
- b. Hopi TANF or General Assistance
- c. Jicarilla-Apache TANF or General Assistance
- d. Arizona TANF
- e. New Mexico TANF or General Assistance
- f. Utah TANF or General Assistance
- g. Food Stamps (now SNAP—Supplemental Nutrition Assistance Program)
- h. New Mexico Medicaid for low-income or elderly/disabled (not Medicaid for pregnancy)

- i. Arizona ALTCS (not AHCCCS)
- j. SSI

E. CHANGE IN FINANCIAL ELIGIBILITY STATUS

1. If, after finding an applicant financially eligible, DNA becomes aware that a client has become financial ineligible through a change in circumstances, DNA shall discontinue representation if:

- a. The change in circumstances is likely to continue, and
- b. The change in circumstances is sufficient to enable the client to afford private legal assistance, and
- c. Discontinuation of representation is not inconsistent with applicable Rules of Professional Responsibility.

2. If, after finding an applicant financially eligible, DNA later determines that the client is ineligible based on later-discovered or disclosed information, DNA shall discontinue representation if the discontinuation is not inconsistent with applicable Rules of Professional Responsibility.

3. If a client becomes financially ineligible under either 1 or 2 above, but the client falls under another grant with higher income limits, DNA may continue representation using only that other grant's funds (and no LSC funds).

F. PROCEDURES FOR DETERMINING ELIGIBILITY

- 1. DNA shall adopt forms and procedures as are deemed necessary for retaining the information to determine eligibility under these guidelines.
- 2. DNA will make reasonable inquiry regarding sources of applicants' income, income prospects and assets. If there is substantial reason to doubt the accuracy of information supplied by an applicant, DNA shall take steps to verify the information in a manner compatible with protecting the attorney-client relationship.
- 3. When another LSC recipient has determined that an applicant is financially eligible for services, DNA may rely on that other legal service program's financial eligibility determination, unless there is a change in financial eligibility status or a substantial reason to doubt the validity of the original determination.

4. DNA shall not disclose the information used to establish an applicant's financial eligibility to anyone not employed by the program without the express written consent of the client, except to our funders.

G. REPRESENTATION OF GROUPS

DNA shall only represent groups:

1. that are primarily composed of financially eligible clients; or

2. whose principal activity is the delivery of services to persons who would be financially eligible for DNA's services, and the legal assistance sought relates to such activity

upon proof that the group lacks reasonable means of obtaining funds for private counsel.

XXVII. RETAINER AGREEMENTS

DNA's Retainer Agreement is contained in the Litigator's Manual. Each litigator representing a client shall execute a written retainer agreement with each client. If possible, the retainer agreement shall be executed before representation commences. If it is not possible to execute a written retainer agreement before representation commences because of an emergency situation, the retainer agreement shall be executed as soon thereafter as is practicable. The litigator shall clearly identify the matter in which representation is sought, and the nature of the legal services to be provided. The Retainer Agreement shall be retained as part of the client's file.

DNA advocates and attorneys are not required to execute a written retainer agreement when the only service to be provided is advice and consultation.

XXVIII. EMERGENCY CASE ACCEPTANCE PROCEDURES

DNA field offices generally schedule particular days of the week as regular intake days. In emergencies, the office will accept applicants on unscheduled days and times. Where there is more than one litigator in an office, the Managing Attorney will create a rotating schedule under which a litigator will be assigned to handle emergencies on a given day.

An emergency is one in which the applicant:

1. has been given notice that their source of income will be terminated,
2. has been given notice that they are losing their home or shelter,
3. is in need of shelter, food, or income and has none,
4. has been given notice that they are going to lose their only source of transportation,
5. is in need of medical services and is being denied medical care,
6. has been served with notice of a court action in which a court date has been set and is within ten days of the date the applicant comes to the office, or
7. has been served with notice of a court action and the deadline to answer is within ten days of the date the applicant comes to the office.

The office will conduct an intake immediately for an applicant presenting an emergency which falls into one of the above areas. The same conflict, income, asset, citizenship and other LSC requirements as non-emergency cases shall apply to all emergency cases.

XXIX. CASES OUTSIDE DNA'S PRIORITIES

DNA litigators shall not accept cases outside of DNA our priorities, as set by the Board. However, from time to time, circumstances arise that were not anticipated by DNA and the client representatives when creating priorities for DNA. Cases may be presented that fall outside of the priorities created by DNA, but the client needs and deserves representation. If a client's legal issue may result in serious legal harm to the client, DNA may agree to represent a client whose problem falls outside of DNA priorities. Before accepting such a case, the case handler must document the office's discussion of the case and of all the factors contained in Section 1611.5 of the LSC regulations and provide a written explanation as to why DNA should take on the case that is outside of priorities. The case handler shall send all supporting documentation to the Executive Director, and obtain his/her written authorization, prior to representation of the client.

XXX. LIMITED ENGLISH PROFICIENCY CLIENTS

A. DNA endeavors to provide all applicants and current clients meaningful access to legal services and effective communication. To that end, DNA shall provide, when available, a bilingual case handler or provide free, competent language services at all significant stages of the client's case to facilitate communication.

B. Family members and friends may be used for translation only in very limited situations. Family members or friends will NOT be used to interpret in domestic violence cases.

C. Each office will have an "I speak" card (See Appendix A), which will be displayed in each DNA office where incoming visitors can see it. It is the applicant/client's decision in what language (s)he chooses to communicate.

D. Legal Secretaries/Receptionists interviewing applicants for eligibility will indicate to the case handlers and in DNA's database system when an applicant needs non-English-speaking assistance.

E. If a DNA case handler does not speak the applicant's or client's language, (s)he will receive assistance from other DNA staff who do speak the applicant's or client's language. If no DNA staff member is available, DNA case handlers are authorized to request an interpreter service from another service agency in their community, such as Catholic Social Services. If that is not available, the case handler is authorized to contact the outside resource, Language Line Services (LLS), which is available by virtue of DNA being a member of NLADA. LLS provides over-the-phone interpretation from English into more than 150 languages, and is available 24/7 from any phone. They can be contacted at www.language.com or 1-877-886-3885. Any interpreter used outside of DNA staff must sign a confidentiality agreement (Appendix A), prior to conducting any interpretation services.

F. DNA's Administrative Director will maintain a listing and proficiency assessment of bilingual staff who are approved to assist with interpretation.

G. Prior to the court date, DNA case handlers should inform administrative or court personnel if an interpreter is needed for any hearings at which the client will be represented

by DNA, and if necessary, assist in finding an appropriate interpreter for court or administrative hearings.

H. DNA will periodically review all existing community education materials to identify items for updating, revising, and translating. This will include brochures distributed, Legal Minutes aired on the radio, Public Service Announcements, and videos displayed in the offices or distributed to outside sources. It will also include items on DNA's kiosks, and on our website(s).

I. DNA will participate with statewide efforts to translate materials into non-English languages identified as a priority by DNA, and to identify new sources of translation and interpreter services.

J. DNA will continue to explore affordable technologies to provide legal information to non-English speakers served by DNA. Past examples of these efforts are DNA kiosks (www.dnalegalservices.org/kiosk), Native Education Legal Line (NELL - 1-888-888-4DNA), and NELL on-line (www.nativelegalnet.org).

XXXI. VICTIM RIGHTS

Although DNA is not typically a prosecutor which has to provide victims of crimes with various rights under federal and state Victims Rights Act, DNA does serve victims of crime, particularly domestic violence. As with all clients, DNA strives to treat victims with dignity and respect, and to provide excellent and compassionate legal services to eligible victims of crime, including advice on all available options and referrals. DNA is required, under various tribal and state rules of professional responsibility, to hold all information about such clients confidential.

XXXII. TECHNOLOGY USER POLICIES

DNA employs technology as a means of enhancing the services it provides to its clients. Technology can allow easier and more efficient internal and external business communications, more accurate and cost-effective legal research, and broader access to other information relevant to the practice of law. Unfortunately, the power of these tools makes them susceptible to potential abuse. To minimize this risk, all DNA staff members, including volunteers, must follow the following policies and procedures. DNA's "computer and communications systems," include but are not limited to

workstations, servers, networks, laptops, software, modems, printers, telephones, cell phones, PDAs, fax machines, copiers, and all equipment used for e-mail and Internet access.

All DNA communication is confidential; posting of any DNA communication or information on the Internet is prohibited, including social networking sites, such as Twitter® or Facebook®. All DNA employees must safeguard confidentiality when using any kind of technology.

A. Software Installation

To abide by software copyright and licensing laws, maintain our contractual agreements with equipment manufacturers, and avoid software conflicts and the introduction of viruses, DNA prohibits unauthorized staff from installing any software on DNA workstations, laptops or servers. The Manager of Information Technology is responsible for software installations. He or she will evaluate all software programs prior to installation, and only those staff to which s/he gives prior authorization may install software. Software licensed to an employee and acquired through the use of personal funds may not be loaded on DNA equipment without the Manager of Information Technology's prior authorization.

B. Software Duplication

The terms of most software licenses do not allow for software duplication, except for backup or archival purposes. Employees are prohibited from making unauthorized copies of DNA software either for their personal use or distribution to an outside third party.

C. Configurations/Disk Storage

In order to provide a consistent and reliable workstation configuration, only staff authorized by the Manager of Information Technology may setup or modify office hardware and software configurations. This will help the Manager of Information Technology easily diagnose and troubleshoot problems, and service our networks. The Manager of Information Technology will oversee the maintenance of all workstations, software and utilities. All software disks should be stored near the respective workstation or server and be easily accessible.

D. Passwords and Usernames

The Manager of Information Technology issues passwords and usernames. These passwords and usernames should be kept

confidential to avoid unauthorized use. However, the Manager of Information Technology must have unrestricted access to all workstations and servers for administration, maintenance and troubleshooting purposes. Therefore, usernames and passwords should not be changed without prior authorization. The use of unauthorized passwords, encryption or personal identification numbers is prohibited. Before leaving DNA's employment, all employees must ensure that their office manager knows the usernames and passwords to the employee's DNA telephone, computer and other equipment.

E. E-Mail and Voicemail

Staff are responsible for checking and responding to e-mail and voicemail messages regularly. If an employee will not be in the office and will not be checking messages, s/he should use the "out of office assistant" in Microsoft Outlook, and change his/her voicemail, to say when s/he will return.

F. Information Ownership

Messages and data sent from, received by, or stored in DNA's computers and communications systems are the sole property of DNA. Employees should not consider these messages and data to be private and should not send, receive or store sensitive personal information using these systems. No individual staff member has any proprietary or confidential interest in any materials stored or copied in any office files or systems, including voicemail and e-mail. DNA has the technological capability, and reserves the right to monitor the use of its electronic communications systems, including electronic mail and Internet access, to assure compliance with its policies.

G. Information Access

All DNA staff members are hereby notified that, even when an electronic document or message is erased, it may still be possible for others, including management and auditors or monitors, to retrieve and read the documents or message. DNA's electronic records may also be subject to discovery demands in litigation, or to lawful demands from law enforcement or other third parties.

H. DNA Communications Traceable

All communications through DNA's communications server, modems and other computer system components, including web sites viewed, blogs, Facebook® and Twitter® accounts and the like, are traceable to DNA and represent our firm to the world. DNA staff members must

at all times exercise good judgment and business sense when communicating with others through e-mail and the Internet. DNA staff members should apply the same standards of tone and content to electronic messages as they would to any written document, and should assume that such messages may be made public.

I. Personal Use

DNA's hardware and software connections to the Internet are the property of DNA and are to be used for business purposes only. The rest of DNA's computer and communications systems are to be used exclusively for business purposes during business hours, except as outlined below. Personal use is permitted outside of business hours, but must still conform to the provisions of these policies and procedures. During business hours, staff members may occasionally use DNA's computer and communications systems (including telephones and e-mail) for personal reasons only if such use is kept to a minimum, DNA is reimbursed for any direct costs associated with the personal use, and DNA's legitimate business activities are not hindered. Staff should make every effort to restrict and limit personal use of the systems.

XXXIII. EMERGENCY PREPAREDNESS, AND PANDEMICS

This policy is meant to guide DNA staff when a flu pandemic occurs. Information on such a pandemic is normally provided by the World Health Organization and/or the Center for Disease Control and Prevention, which make announcements in the U.S. advising the best course of action - using television, radio, print and the internet throughout different phases of a pandemic.

Vaccinations against the various strains of flu are up to each individual DNA staff member. However, because a vaccine to prevent a specific flu strain cannot be developed and produced until the final form of the virus is known, most experts predict that there will be little or no vaccine during the first six to eight months of a pandemic. Currently, with current technology, it takes six months to produce a vaccine.

During this vaccine wait time and throughout a flu pandemic, DNA will use the following non-pharmaceutical interventions to limit the spread of the influenza:

- A. Effective hand washing (washing hands throughout the day after contact with others, using warm water and antibacterial liquid soap for at least 20 seconds, followed by drying with a paper towel), or the use of hand

sanitizers. DNA Custodians and Office Managers are authorized to purchase antibacterial soap, paper towels, and a reasonable hand sanitizer for their office.

- B. Cough and sneeze etiquette (sneezing into the inside of your elbow). Reasonably-priced face masks may be purchased by the Office Manager for their office.
- C. Social distancing - When possible, decrease the number of social contacts (e.g. encourage teleconferences as opposed to face-to-face meetings.) Employees should avoid close contact (within 6 feet).
- D. If a DNA employee exhibits any symptoms of the flu, or if they are caring for a household member diagnosed with the flu, stay home! If symptoms occur at work, that employee will be asked to go home immediately. Earned Sick Leave will be used for these absences, and employees should not return to work without a release from a physician stating the employee is no longer contagious.
- E. While employees are contagious (and therefore not in the office), working from home via employees' DNA laptop computers is strongly encouraged, so as to minimize the impact on clients and their office, and on the employee's workload and Sick Leave balance.

XXXIV. WHISTLEBLOWER POLICY

If DNA staff suspects fraud involving LSC grants or other funds, waste of money or resources, abuse by LSC employees or grantees, violations of law or LSC regulations, they are first encouraged to bring the issue(s) to the Administrative Director so that the problem(s) can be addressed within DNA. However, DNA staff may call or write to LSC's Office of Inspector General at:

Legal Services Corporation
Office of Inspector General
PO Box 3699
Washington DC 20027-0199
Tel 800-678-8860/202-295-1670
Fax 202-337-7155
e-mail hotline@oig.lsc.gov

Upon request, the reporter's identity will be kept confidential; reports made be made anonymously.

XXXV. WAIVER OF AND AMENDMENTS TO POLICY MANUAL

A. Waiver

Under special circumstances, any provision of this Manual may be waived in a particular case by the Executive Director. When a waiver occurs, the Executive Director will report it to the President of the Board.

B. Amendment

Any part of this Manual may be amended by the Board's Executive Committee after giving staff 1 month notice and an opportunity to comment. If necessary, the Executive Committee may make amendments that are effective immediately. Any immediately effective amendment must be provided to all staff within 5 business days of its adoption, along with an explanation of the need for an immediate policy change, and a request for comments on the change.

C. Other Policies

The policies in this manual may be clarified or supplemented by the Executive Director and Managing Attorneys. Copies of policies adopted by the Executive Director or Managing Attorneys are distributed to employees, and will be available from the Executive Secretary.

Employees also should familiarize themselves with DNA's LSC Compliance Manual, Litigator's manual, Kemp's/Prime manual, pension plan, medical insurance plan, and the other documents that contain policies affecting certain aspects of DNA operations and DNA's compensation package.

XXXVI. CERTIFICATION

Signing this certification does not create any type of employment contract between DNA and the individual signing it.

I, _____, HEREBY CERTIFY THAT I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THE PROVISIONS AND THE PROVISIONS OF ANY AMENDMENTS OR POLICIES ADOPTED PURSUANT TO THE FOLLOWING MANUALS:

1. DNA'S LEGAL SERVICES CORPORATION COMPLIANCE MANUAL.
2. DNA'S PERSONNEL POLICIES AND PROCEDURES MANUAL.
3. DNA'S LITIGATOR'S MANUAL.

I FURTHER CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH DNA'S PRIORITIES AND EMERGENCY PROCEDURES, AND THAT, EXCEPT AS PROVIDED HEREIN, I WILL NOT UNDERTAKE ANY CASE OR MATTER FOR DNA THAT IS NOT A PRIORITY OR AN EMERGENCY.

SIGNED: _____

DATED: _____

XXXVII. SEXUAL HARASSMENT CERTIFICATION

I, _____, have read the DNA Sexual Harassment Policy and Grievance Procedure, and agree to abide by its provisions and the provisions of any amendments.

SIGNED: _____

DATED: _____

DNA-PEOPLE'S LEGAL SERVICES, INC.

RESOLUTION: 2017-04

EXECUTIVE COMMITTEE

**BOARD OF DIRECTORS – DNA-PEOPLE'S LEGAL SERVICES, INC. APPROVAL OF
AMENDMENT TO THE REDUCTION IN FORCE PROVISION
OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, DNA-People's Legal Services ("DNA") is a non-profit legal aid organization which has been providing free civil legal services to low income clients since 1967, overseen by a Board of Directors; and

WHEREAS, DNA's Board of Directors is the governing body for DNA; and

WHEREAS, in accordance with Section III of its By Laws, the Executive Committee of DNA has the same powers as the Board of Directors and manages the affairs of DNA when the Board is not in session; and

WHEREAS, the Executive Committee has delegated to the Compliance Committee the powers that it has to manage the affairs of DNA when the Executive Committee is not in session; and

WHEREAS, the Compliance Committee has reviewed the finances of DNA and has determined that the expenditures by DNA including expenditures on personnel have outpaced the funds that DNA is eligible to receive and for this reason the DNA Compliance Committee is required to quickly determine office closures and personnel layoffs; and

WHEREAS, DNA operates in accordance with its Personnel Policies and Procedures Manual which was most recently revised as of 11/20/2015 and which includes Article XV III Reductions in Force (RIF); and

WHEREAS, Article XXXV, Paragraph B provides a procedure for amending the Manual including a provision that permits the Executive Committee to adopt amendments to the Manual that are effective immediately; and

WHEREAS, the Compliance Committee has reviewed the RIF Procedure and has made recommendations to the Executive Committee to modify the procedure including abbreviating the time frames described in the procedure (see the amended Article XVIII attached hereto); and

WHEREAS, the Executive Committee has reviewed the amended RIF Policy and finds that it is in the best interests of DNA to amend the RIF Policy as attached hereto;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The DNA-People's Legal Services, Inc. amends the Personnel Policies and Procedures, Article XVIII as attached hereto.

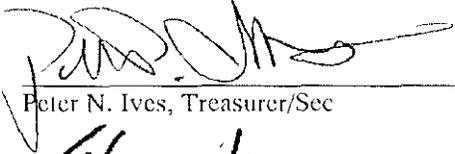
The foregoing resolution was duly adopted by the Executive Committee of the DNA Board of Directors on July 11, 2017 as evidenced by the signatures of all of the members of the Executive Committee set forth below.



Ella Wilson, President



Charles Dougherty, Vice President



Peter N. Ives, Treasurer/Sec



Louise Nelson



Johnny Johnson, Member