

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS, INC.

**EXECUTIVE BOARD EMPLOYMENT POLICY
including
EXECUTIVE DIRECTOR RESPONSIBILITIES & FUNCTIONS**

Adopted December 4, 2020

Introduction

The Executive Board of the National Association of State Boating Law Administrators, Inc. (NASBLA) recognizes that a personnel system designed to recruit and retain a competent, productive work force is essential to effective and efficient operation of the organization. The following employment policy has been developed to achieve optimum efficiency, economy, and equity in the pursuit of NASBLA's goals and objectives, and the utilization of its human resources.

Chain of Command

The National Association of State Boating Law Administrators, Inc. (NASBLA) Executive Board believes strongly in the chain of command:

Executive Board

Executive Director

Middle management / supervisors

Line staff

The Executive Board is concerned about the needs and success of staff and will work through the chain of command to facilitate the success of all NASBLA staff.

The Executive Board expects all staff to respect and follow the chain of command when registering complaints, making suggestions and in any other way communicating with the Executive Board about the business of this organization. Staff members who take complaints, requests, criticism or other organization business directly to the Executive Board or individual Executive Board members without working through the Executive Director will be considered insubordinate and subject to disciplinary measures by the Executive Director.

The Executive Board expects all Executive Board members to respect and follow the chain of command when communicating with staff about the business of the organization. Executive Board members will not take complaints, suggestions, requests or demands to the staff except through the Executive Director. In the event an Executive Board member receives a complaint or suggestion from a staff member other than the Executive Director, the Executive Board member will remind the staff member of this board's policy about following the chain of command. The Executive Board member will also report the staff communication to the Executive Director.

Employee Grievance Procedure

The objective of this policy is to promptly and harmoniously resolve grievances, and to facilitate communication among NASBLA employees. This policy applies to all regular employees. This policy is part of the NASBLA Personnel Policies Manual, but it is also included here in the Executive Board Policy

Manual to make it clear to all Executive Board members that they can refer employees to the grievance procedure, and that the Executive Board is not involved in the grievance procedure.

The definition of a grievance is: “A dispute by an employee that involves questions of interpretation or application of wages, hours, terms and conditions of employment or disciplinary actions. Probationary employees may not grieve termination from their positions.”

The employee grievance process will follow these steps:

Step 1: The employee will present the grievance verbally to his/her immediate superior within five working days of the alleged violation or the date the employee becomes aware of the alleged violation, whichever is later. The superior receiving the complaint will attempt to resolve and implement the resolution and respond to the employee in writing, no later than five working days from the date the employee brought the complaint.

Step 2: If the grievance is not resolved in Step 1, the employee may submit a written grievance to the Executive Director within five working days of the date the response from step one was due or received, whichever comes first. The Executive Director will have five working days from receipt of the written Step 2 grievance to investigate the matter and respond in writing to the grievant.

The Executive Director’s written response will be the final disposition of the grievance. While staff grievances may be brought to the Executive Board by the Executive Director, grievances shall not be appealed to the NASBLA Executive Board.

Personnel Policies

Appropriate and complete personnel policies will be adopted by the Executive Director and reviewed by legal counsel for accuracy and completeness. The Executive Director will report to the Executive Board that this has been done and will report annually that all personnel policies have been reviewed and updated.

Personnel policies are published in a separate Personnel Policy Manual. All employees will be given a copy of the most recent and updated Personnel Policy Manual, and will sign acknowledgment of such receipt. These policies will be reviewed every two years.

Implementation and administration of all personnel policies are the responsibility of management.

Professional Memberships

The Executive Board recognizes the importance of employees staying current in fields related to their employment and the importance of maintaining professional status. Therefore, NASBLA may pay for the cost of professional memberships for employees within the limits of the budget and provided such membership is in the best interest of NASBLA.

NASBLA may also pay the cost for employees to attend meetings related to their professional memberships if the meeting is judged to be in the best interest of NASBLA.

Requests for reimbursement must be made to the Executive Director and be given prior approval by the Executive Director.

Nepotism

Executive Board members and members of their immediate families may not be employed or contracted by NASBLA, except by vote of the Executive Board. Members of the immediate family of the Executive Director may not be employed or contracted by NASBLA without approval of the Executive Board.

The term “immediate family” as used above is defined as the relationship of:

- Spouse
- Father and son or daughter
- Mother and son or daughter
- Brother and sister

Equal Opportunity/Affirmative Action

Pursuant to relevant state and federal laws, it is NASBLA policy to provide equal employment opportunity to all people in all aspects of employer-employee relations without discrimination because of race, color, religion, sex, national origin, sexual orientation, gender identity or expression, ancestry, age, pregnancy or related medical condition, marital or familial status, disability, veteran status, political affiliation, or genetic information.

Employer-employee relations shall include, but not be limited to, hiring, promotion, termination, tenure, recruitment and compensation.

Safety and Loss Control

NASBLA is committed to maintaining safety in its operations, on its property and in the delivery of programs and services.

The Executive Director will provide for and actively promote ongoing safety and loss control training for all employees. The Executive Director will institute procedures, where necessary, to ensure the safety of the work environment, and will provide appropriate equipment to employees sufficient for the performance of their duties.

Accidents and losses due to accidents will be documented reported to the Executive Board quarterly.

When necessary, the Executive Director will review safety concerns and risk management plans with legal counsel to ensure legal compliance.

Sexual Harassment

Sexual harassment undermines the integrity of the work environment and will not be tolerated within this organization. Sexual harassment may include words as well as acts, sexual advances, offensive touching, and offensive or derogatory sexual comments. All such conduct is forbidden particularly when:

- Submission to such conduct is explicitly or implicitly made a condition of employment.
- Submission to or rejection of such conduct by an individual is used as a basis of employment decisions affecting the individual.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Any person who believes that he or she has been subject to sexual harassment by a supervisor, fellow employee, board member, or any person calling upon the organization, should contact his/her supervisor or the Executive Director. If the person believes the Executive Director is the cause for a sexual harassment complaint, the complaint should be directed to the Chair of NASBLA's Executive Board. All sexual harassment complaints will be promptly investigated. Where harassment is found to exist, immediate corrective action will be taken.

Drug-Free Workplace

Employees are NASBLA's most valuable resource, and for that reason their health and safety are of paramount concern.

The manufacture, distribution, possession, consumption, or being under the influence of alcohol or controlled substances, including amphetamines, barbiturates, heroin or opiate derivatives, or hallucinogens, by employees while in the office, during working hours outside the office, or while on association business, or in an association procured vehicle is prohibited. Any employee found possessing, selling, consuming, or being under the influence of drugs or alcoholic beverages while on duty will be subject to discipline, up to and including termination.

Occasional exceptions to this policy against the consumption of alcoholic beverages may be made at Executive Director's sole discretion for small quantities of such beverages reasonable under the circumstances, which may be available at office parties or association events. At such parties and events, all personnel are expected to exercise good judgment and moderation. In no event may any underage individual consume alcohol at any time, and all personnel are expected to comply fully with all applicable state laws (including laws prohibiting the operation of motor vehicles while under the influence of alcohol and/or drugs), and to take safety precautions including arranging for a designated sober driver.

The legal use of drugs or controlled substances which are prescribed by a licensed physician are not prohibited, but employees in positions where such drug usage may affect the safety of themselves or others are required to make such use known to an appropriate NASBLA supervisor. Minimally, this obligation applies to employees operating NASBLA vehicles and employees using equipment which, if improperly used, may result in personal injury or property damage.

Any physical examination that NASBLA requires may include testing for drug or alcohol use and abuse. Further, if NASBLA has probable suspicion to believe that an employee is using or is under the influence of controlled substances or alcohol, the employee must submit to testing. If the employee refuses to submit to the testing or sign the consent form to allow such testing, it will constitute a presumption that the employee is under the influence of alcohol or drugs. Refusal to consent and cooperate in the drug testing will be grounds for immediate discipline.

Law enforcement officials will be notified whenever illegal drugs are found in the workplace, and NASBLA will fully assist in any resulting investigation and prosecution.

Whenever possible, NASBLA will assist employees in overcoming drug, alcoholism and other problems which may adversely affect employee job performance, but NASBLA will not tolerate drug usage that may affect the safety of its work force or others.

Release of Employee Information

It is the policy of NASBLA's Executive Board that no employee or Executive Board member of NASBLA will provide performance references for or about former employees.

When requests for such references are received, with appropriate releases from the former employee, they will be referred to the Executive Director of NASBLA. The Executive Director or their designee will provide the requesting party the dates of employment for the former employee, if the employee is eligible for rehire and a copy of this policy statement.

EXECUTIVE DIRECTOR RESPONSIBILITIES & FUNCTIONS POLICY

The Executive Director's Role in the Organization

In the conduct of the ongoing business of NASBLA, the Executive Director is responsible for all business operations, including management of the assets of NASBLA; hiring, training, promotion, discipline and termination of employees; and for establishing and maintaining the business organization and structure to efficiently conduct the management functions of NASBLA.

The Executive Director plans for and administers a program providing service in accordance with NASBLA's stated purpose and in such a manner that optimum results are achieved in relation to the resources of the organization and operates under the general direction of the NASBLA Executive Board.

Executive Communication/Guidance to the Executive Board

The Executive Director will provide information and guidance to the Executive Board. Accordingly, he/she will:

- Make the board aware of special events, relevant trends, material external and internal changes and the assumptions upon which any Executive Board policy has previously been established.
- Submit required monitoring data in a timely, accurate and understandable fashion, directly addressing provisions of the Executive Board policies being monitored.
- Marshal as many staff and external points of view, issues and options as needed for fully informed Executive Board choices.
- Present information in a form that is understandable and of reasonable length.

Delegation to the Executive Director

The Executive Board's job is generally confined to establishing topmost policies, leaving implementation of Executive Board policy to the Executive Director. All Executive Board authority delegated to staff is delegated through the Executive Director.

The Executive Director is authorized to establish all further policies, make all decisions, take all actions and develop all activities which are consistent with the Executive Board's policies. The Executive Board will respect the Executive Director's choices as long as the delegation continues. This does not prevent the Executive Board from obtaining information about activities in the delegated areas.

No individual Executive Board member, officer or committee has any authority over the Executive Director. Information may be requested by such parties, but if such request, in the Executive Director's judgment, requires a material amount of staff time, it may be refused.

Acting with the authority granted above, the Executive Director may not perform, allow or cause to be performed any act which is unlawful, insufficient to meet commonly accepted business and professional ethics for the “prudent person” test, in violation of funding source requirements or regulatory bodies, or contrary to explicit Executive Board constraints on Executive authority.

Should a situation arise wherein the Executive Director deems it unwise to comply with an Executive Board policy, he/she will inform the Executive Board. Informing is simply to guarantee no violation may be intentionally kept from the Executive Board. It is not for the purpose of receiving approval. Executive Board response at that time does not exempt the Executive Director from subsequent Executive Board judgment of his/her action.

Areas of Responsibility Delegated to the Executive Director

In the area of human resources, the Executive Director relates both to the Executive Board and to the staff of NASBLA but has ultimate responsibility to the Executive Board.

For the Executive Board, the Executive Director:

- Develops and recommends to the Executive Board, specific, written, long and short-range plans for the development of NASBLA programs and services.
- Maintains appropriate relations with the Executive Board and various Executive Board committees and keeps them informed.
- Interprets trends in the fields of service in which NASBLA is engaged, by maintaining involvement in the professional field as a whole.
- Assists with orientation and training programs for the Executive Board.

For the NASBLA Staff, the Executive Director:

- Supervises and directs key staff in the performance of their duties.
- Evaluates the performance of key staff members.
- Provides overall control of and direction for the personnel of NASBLA, including active participation in or approval of personnel actions.
- Manages volunteer staff activities.

In the area of planning, the Executive Director:

- Evaluates the services being provided by NASBLA in relation to specified goals and standards, and recommends modifications, where appropriate.
- Recommends new programs to the Executive Board.

In the area of finance, the Executive Director:

- Prepares NASBLA budgets and is accountable for control of these resources once approved.
- Directs all financial operations of NASBLA.

In the area of constituent relations, the Executive Director manages all activities including coordinating Executive Board activities in this area.

In the area of public relations, the Executive Director interprets the function of NASBLA to the community by assisting the Executive Board, through direct involvement and through public relations programs, including personal contact, descriptive program literature, and the media.

In the area of interagency relations, the Executive Director:

- Maintains appropriate relations with other professional and service groups in the community.
- Maintains appropriate relations with federal, state, and local government units.
- Maintains appropriate relations with other agencies in similar fields of service

In the area of organizational operations, the Executive Director:

- Recommends policies to the Executive Board and/or assists the Executive Board in the formulation of policies for the effective and economical operation of NASBLA and its programs.
- Ensures implementation of the policies adopted by the Executive Board.
- Has chief administrative responsibility for maintenance of organization facilities, and regular reporting to various bodies.
- Carries chief responsibility to ensure that legal obligations of NASBLA are met.

Monitoring Executive Performance

Monitoring Executive performance is synonymous with monitoring organizational performance. The Executive Board delegates management to the Executive Director and must have a process for ongoing monitoring of the Executive Director's performance of the delegated duties. The purpose of monitoring is to determine the degree to which Executive Board policies are being fulfilled.

The Executive Board will monitor Executive Director performance by awareness of the Executive Director's job description, careful attention to all reports delivered to the Executive Board and through an annual written evaluation of the Executive Director's job performance.

Executive Director Performance Evaluation

It is the policy of NASBLA to regularly evaluate the work performance of the Executive director.

The evaluation will be given at the annual conference Executive Board meeting so that all Executive Board members participating in the evaluation will have had a full year of interacting with and observing the Executive Director's performance.

Compensation of the Executive Director will be determined after completion of the evaluation. Any increase in compensation will be effective beginning with the pay period following the annual conference, or with the first pay period of the new fiscal year, whichever comes last.

The entire Executive Board will participate in the evaluation process.

The process begins with a review of the current job description to determine accuracy and appropriateness. The team next develops an evaluation checklist based upon the job description and organization objectives. Respondents will be asked to rate the Executive Director's performance against each line item on the checklist as follows:

Unacceptable
Acceptable (Low)
Acceptable (Medium)
Acceptable (High)
Outstanding

Space should be allowed on the checklist at each line item for comments.

The Executive Board members will complete an evaluation of the executive director and return to the chair. Constructive criticism from Executive Board members should be specific so that appropriate action may be taken by the Executive Director.

A copy of the evaluation checklist is also sent to the Executive Director with the request to complete a self-evaluation and recommend performance objectives for the upcoming year. The form completed by the Executive Director will not be included in the Executive Board's compilation of results.

When the Executive Board members have returned the evaluation forms, the chairperson compiles a composite checklist which, by line item, indicates the number of responses for each rating. All comments are randomly listed without identifying the source of each comment.

Next, the full Executive Board meets, without the Executive Director present, to review the composite evaluation and performance objectives for the upcoming year. The Executive Board must reach consensus on each item in the checklist. Should the Executive Director be in serious disagreement with part or all of the evaluation, the right to respond to the full Executive Board must be available. Such a response should lead to a dialogue in which the problem area can be resolved in a candid and professional way.

The final agreed-upon evaluation should be signed by both the Executive Director and the NASBLA chair. A copy of the evaluation is given to the Executive Director, and the original evaluation is kept on file by the NASBLA Human Resources Representative.

Executive Board members will not solicit information regarding the Executive Director's performance from subordinate staff. Staff plays no role in the evaluation. The Executive Board recognizes that including staff can seriously erode the relationship which must exist between the Executive Director and staff.

Executive Board/Executive Director Relationship

The Executive Board recognizes and maintains the following guidelines in the Executive Board's relationship with the Executive Director:

- Good management is recognized as one of the key factors in the success of the organization. The Executive Board reserves the authority to establish policies, approve plans, and programs and delegate authority to the Executive Director.
- The Executive Board will approve policies and long-range plans and programs for NASBLA, and delegate authority to the Executive Director to execute and carry out the policies, plans and programs. The Executive Director will be responsible for hiring capable personnel within the limitations of Executive Board policy and budget constraints, determining the appropriate compensation, training, supervision, discipline and termination if necessary.
- Executive Board members will refrain from individually discussing management and personal issues with NASBLA personnel other than the Executive Director. The Executive Board, in consultation with the Executive Director, may confer with key personnel at regular or special meetings of the Executive Board.
- Authority for management of NASBLA will be through the Executive Board to the Executive Director, then to other personnel. The Executive Board will require full and timely information from the Executive Director concerning pertinent matters that relate to the management of NASBLA.
- The Executive Board recognizes that efficient management of NASBLA can exist only through mutual understanding and cooperation between the Executive Board and the Executive Director. The Executive Board also recognizes that the Executive Director is accountable to the Executive Board to show results, but the Executive Director cannot perform well and show good results if not given latitude to exercise independent judgment in executing Executive Board policy. Therefore, the Executive Board grants that latitude of judgment and discretion and expects full accounting of performance from the Executive Director.
- The Executive Board recognizes its position as the employer of the Executive Director and will be responsible for a systematic annual evaluation of the Executive Director's performance. The evaluation will be for the purpose of improving the Executive Director's performance and to provide a basis for consideration of the Executive Director's salary for the next year.
- The Executive Director's employment with NASBLA may be terminated for cause upon written notice to the Executive Director and in accordance with the Executive Board/Executive Director contract in effect.

Executive Board/Executive Director Responsibilities

To assist the Executive Board and Executive Director to work as a team, the following principles will guide the team members to determine responsibilities of each part of the team:

- Responsibility for determining general policy shall be entrusted to the Executive Board. The Executive Director's responsibility is to develop managerial policies and procedures and the administration thereof.
- The Executive Director shall keep the Executive Board informed regarding the progress of all important NASBLA programs.
- The Executive Board represents the public in setting the goals and establishing the basic policies and long-range goals for NASBLA. It shall refrain from involvement in the administrative functions except to monitor and evaluate.
- The Executive Board shall transact official business with professional staff members and other program employees only through or under the oversight of the Executive Director.
- The Executive Director shall be responsible for administering the program in accordance with Executive Board policies and regulations.
- The Executive Director shall be responsible for the selection and assignment of staff. This responsibility may be delegated by the Executive Director to other supervisory personnel.
- The Executive Director and staff shall prepare, and submit for Executive Board action, an annual program plan and budget.
- The Executive Director shall provide the Executive Board with data and information to enable the Executive Board to make effective decisions.
- The Executive Director shall provide the Executive Board with periodic reports as the Executive Board feels are necessary to allow Executive Board members to make accurate decisions.

Executive Director Succession Policy

A policy for Executive Director succession must include two parts - the process the Executive Board will follow to replace a retiring Executive Director, and a process to continue uninterrupted service in the event of sudden departure or loss of the Executive Director.

Resigning or Retiring Executive Director

The process for replacing a resigning or retiring Executive Director will be as follows:

- The Executive Board will confirm the exact departure date of the current Executive Director.
- The Executive Board will determine a specific target date to employ a new Executive Director. This target date will be flexible to allow the selected candidate some latitude in the beginning date.
- The Executive Board will designate an Interim Executive Director to serve for the time between the ending date of the current Executive Director and the beginning date of the new Executive Director. Executive Board members are not eligible to serve as the interim Executive Director.
- The NASBLA chair will nominate a search committee of not less than three Executive Board members and not more than five Executive Board members. If possible, the current Executive Director will be an ex-officio member of the search committee. The NASBLA chair may appoint up to two additional search committee members from outside the Executive Board such as former Executive Board members, community leaders or other persons who would be valuable resource to the committee. The NASBLA chair will receive Executive Board approval of the nominees.
- The Executive Board will consider the need for any changes to the management structure before the search for a new Executive Director.

- The Search Committee will begin as soon as possible to:
 1. Update the job description for the Executive Director.
 2. Develop a profile of the preferred candidate.
 3. Determine the feasibility of utilizing a search firm to assist the Executive Board in the search.
 4. Determine salary range and terms of the contract to be offered.
 5. Identify appropriate announcement media to be used.
 6. Establish a schedule to complete interviews, reference checks and final selection.
 7. Determine who will conduct the interviews and what questions will be asked.
 8. Determine the extent of staff and community involvement.
 9. Establish a process for communicating search progress to the Executive Board and staff.
- The Search Committee will seek approval of the full Executive Board for all of the above.
- The Search Committee will recommend no more than three nor less than two candidates for review.
- The Executive Board will interview the final candidates and select the new Executive Director.
- External candidates and current employees will be invited to apply for the position.
- The Executive Board will set dates for three-month and six-month reviews of Executive Director performance. These reviews will be informal discussions between Executive Board and Executive Director for the purpose of assisting the Executive Director to understand Executive Board needs and intent, as well as affirmation of good Executive Director performance. The Executive Board will do a formal written performance evaluation of the Executive Director after approximately one year of employment and then annually.

Sudden Departure or Loss of Executive Director

The process to continue uninterrupted services in the event of sudden loss of the Executive Director will be as follows:

- Annually, the Executive Board, during the executive director's evaluation, will designate one staff person who will assume the duties of the Executive Director if, in the judgment of the Executive Board, that becomes necessary.
- The current Executive Director will compile a list of vital instructions for an interim Executive Director and update that list annually.
- The list will include, but not be limited to, such information as:
 1. A staff flow chart showing chain of command and a list of responsibilities of all management personnel. The list will also include special instructions about which staff members should be consulted for special assistance in such areas as personnel management, maintenance, finance, information technology and other essential functions of the organization.
 2. Location of all bank accounts and financial records, and instructions about disbursement authority.
 3. Location of all vital documents, such as policies and contracts.
 4. Location of all computer backup files. If it becomes necessary to implement these emergency procedures, the Executive Board will meet as soon as possible with the designated Interim Executive Director to:
 - Establish a plan for continued operation.
 - Officially designate the selected staff person to be the Interim Executive Director.
 - Establish a schedule of Executive Board meetings to provide adequate support for the Interim Executive Director.
- As soon as possible after the designation of the Interim Executive Director, the Executive Board will implement the applicable procedures from the first half of this succession policy.