



Policy 1.1.9: Employee Conduct
East Multnomah Soil & Water Conservation District

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1.0 Public Servants

As government employees, EMSWCD employees have certain responsibilities that private sector employees do not have, and are thus subject to additional policies and restrictions. Philosophically, the basis for these additional responsibilities is that EMSWCD employees are here to do the public's work, on behalf of the public. EMSWCD employees have a responsibility to be fair, transparent, evenhanded, nonbiased, and unselfish. The policies herein describe the specific expectations for personal conduct while working for EMSWCD.

2.0 General Expectations

EMSWCD expects all employees to know and comply with laws and policies relevant to their work. Employees are expected to diligently perform their work in a manner that supports EMSWCD's mission and to accept appropriate supervision and direction. Employees are expected to resolve conflicts in a professional, respectful, and constructive manner. When performing EMSWCD work, all employees are expected to communicate and behave in a way that reflects well on EMSWCD. EMSWCD, NRCS, and other partners expect professional and courteous manners of all employees and volunteers at all times, including a neat, appropriate appearance.

All employees are expected to treat each other and everyone else with respect and courtesy, even when there is disagreement. EMSWCD values honest, open, and respectful communication. In addition, EMSWCD strives to communicate and conduct its work in a manner that encourages participation by traditionally socially disadvantaged groups, whose members have been subjected to prejudice because of their identity as members of a group, without regard to their individual qualities, who have often been denied participation in decision-making and the opportunity for meaningful work. EMSWCD employees must show respect for all types of diversity as diversity makes EMSWCD a stronger, smarter, and more effective organization.

3.0 Teamwork and Excellence

EMSWCD is a fairly small public agency that does a wide variety of work. To be successful, employees must be willing to work as a team, collaborate, and help out when needed. This may mean working at events, helping with a project for the building or gardens, covering a colleague's duties while another employee is on vacation, or temporarily taking on other tasks as needed. These types of tasks normally do not warrant a revision of job descriptions or work plans, there is simply an expectation that from time to time all employees may be need to assist with a variety of efforts, as approved by supervisors.

4.0 Disagreements and Dispute Resolution

Even well-meaning people may disagree from time to time. How employees handle these disagreements can make the difference between a happy, productive workplace and a place where people do not want to work. EMSWCD employees are expected to resolve disagreements in a calm and professional manner. When employees are unable to resolve disagreements between themselves, they should seek intervention by their supervisors. If supervisors cannot resolve the disagreement, the Executive Director should be asked for assistance with the matter. If the Executive Director cannot resolve the matter, the Personnel Committee will be convened to review the issue. And, if necessary, the matter can be brought to the full Board of Directors.



4.0 Harassment and Physical Violence

Harassment and physical violence in the work place in any form are unacceptable behaviors and will not be tolerated. In general, harassment is any conduct that has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Physical violence includes any unwanted touching or threatening of unwanted touching of another individual. Harassment and physical violence is addressed more thoroughly in Policy 1.5.1.

5.0 Code of Ethics, Gifts, and Hiring Relatives

All public employees in Oregon, including EMSWCD employees, are governed by the Oregon Government Ethics Commission and the laws contained in Oregon Revised Statutes (ORS) Chapter 244 and Oregon Administrative Rules (OAR) Chapter 199. The most fundamental restriction is that employees, family members, and businesses—which employees and family members are associated with—must not benefit financially (i.e., may not receive a financial benefit or avoid a financial cost) in any way outside of the official public compensation and benefits as a result of public employment. Such prohibited financial benefits include, but are not limited to, private/outside business opportunities or gifts.

Under OAR Ch. 199, a gift is defined as, “something of economic value given to a public official, relative or household member, for which no payment is made or payment is discounted, and the same opportunity is not available to the general public.” By law, single gifts that do not exceed \$50, or more than one gift from a *single source* that does not exceed \$50 in a calendar year (e.g., meals paid for), may be accepted. However, gifts valued at \$50 or less may only be accepted if the source of the gift has no interest in the votes or decisions of the public employee receiving the gift. Because it is sometimes difficult to understand the underlying motive for a gift, EMSWCD advises employees to refrain from accepting any gifts. All gifts over \$50, however, regardless of the source of the gift or relationship to votes or decisions of the public official receiving the gift, are strictly prohibited. If employees accept a gift valued at \$50 or less, two things must occur: 1) employees must determine the ‘source’ of the gift, and 2) employees must determine if the source has an economic or legislative interest in a decision or vote the employee may make as an EMSWCD employee.

If the gift is a “donation” to EMSWCD as a whole, there is no ethical violation in accepting it unless the gift is from a source that has a business or legislative interest in EMSWCD's positions as a public agency, or the value of the gift is valued at more than \$50 (individually or in the aggregate, in the calendar year). If the gift is valued at \$50 or less and is from a disinterested source, employees may accept the gift on behalf of EMSWCD, but not to the benefit of an individual employee. If the gift is “share-able,” the gift should be shared with colleagues. If the gift is not ‘share-able,’ the gift could be randomly given to an employee or donated to charity. This does not apply to very small-value items such as a pen or tote-bag handed out at a conference or professional meeting; these types of things are considered exceptions.

Oregon's Ethics Rules for Public Officials also prohibit a public official (including public employees) from hiring, employing, promoting, firing, or demoting a relative or member of the employee's own household as part of his or her public employment, unless the employee complies with conflict-of-interest disclosures, and prohibits the public official from participating in discussions regarding these



things. Furthermore, public officials cannot directly supervise their relatives or members of their households who work for the same employer. If employees have questions about any ethics rules, they should speak with their supervisor or refer to the *State of Oregon Ethics Handbook*.

6.0 Political Activities and Lobbying

EMSWCD employees may not participate in election-related political activities (including ballot measures and candidate campaigns for public office) during working hours and EMSWCD may not require any employee to do so. EMSWCD equipment, materials, and supplies shall not be used for such political activities at any time. Any statements made or actions taken by EMSWCD employees, as employees (as opposed to as private citizens), regarding elections must be impartial. Any information provided to the public or to candidates or potential candidates must be objective and must be made equally available to all people and candidates. Great care must be taken at all times to avoid political advocacy of any kind. Employees are, however, free to express political beliefs outside of work hours on their private time, provided they do not state or imply that their views represent the position of EMSWCD or its Board of Directors. The prohibition on political activities does not include a prohibition on lobbying per se, i.e., advocating for or against certain positions on policy issues, legislation, or rules being deliberated by elected officials at the local, state, or federal level. If, however, EMSWCD has not already taken a position on a specific policy issue, legislation, or rule, employees must confer with their supervisor of the Executive Director regarding if and what position can be taken.

7.0 Cost, Eco-, and Social-Consciousness

EMSWCD is a public conservation agency. Although EMSWCD's work primarily focuses on water conservation and soil erosion control/prevention, the conservation of all resources is of concern and value. As such, in the course of EMSWCD's work, from program development to day-day-purchasing and travel decisions, employees must strive to reduce waste, inefficiencies, negative social impacts, and negative environmental impacts as much as possible (while maximizing effectiveness and efficiencies in accomplishing the work). Employees should be as cost, eco-, and socially-conscious as possible in all work-related planning, purchasing, and other activities. Examples of cost, eco-, and socially-consciousness include, but are not limited to: keeping the thermostat low in the winter and dressing warmly; printing double-sided on recycled paper and trying not to make hard copies unless needed; carpooling to meetings; buying used office furniture; composting; not buying plastic that cannot be reused; and regularly recycling items.

8.0 Professional Appearance and Attire

Each employee is responsible to present a proper, business-like appearance when on EMSWCD time, or when otherwise representing the EMSWCD. Good taste and good judgment in professional attire is expected.

9.0 Appearance of Work Areas

EMSWCD offices and other facilities should be kept organized and clean. The public and partners are frequent visitors of common areas at the EMSWCD main office, so these areas should be particularly organized and clean. However, the public and partners may visit any EMSWCD office or building location. As such, all areas should be kept as organized and clean as is reasonable. Right or not, the public and partners form impressions of government effectiveness and efficiency based on their



observations of employees and the employees' environments. An organized and clean work environment is more likely than not to create a positive impression in the minds of the public and partners. From time to time, however, work areas can legitimately become disheveled and dirty. While the frequency and intensity of these conditions are situationally-dependent (e.g., the Headwaters Farm versus the headquarters office), no areas should be in a constant or near constant state of dis-organization, disrepair, or dirtiness. Each employee is responsible for maintaining their own work areas as well as cleaning up after their meetings in common areas and after their personal use of common areas such as the kitchen. The Office Manager is generally responsible for maintaining the organization and cleanliness of the main office entry area, the front desk area, and the meeting rooms after board/committee meetings. The Facilities Manager is generally responsible for the maintenance and repair of the main office and its surrounding landscape as well as oversight of the contracted cleaning crew and the contracted landscape crew for those same areas. Each employee is responsible for cleaning up after themselves, regardless of where they are.

10.0 Appearance of Vehicles and Equipment

EMSWCD vehicles and equipment should be kept organized and clean. Each employee who drives or is a passenger in an EMSWCD vehicle and who operates EMSWCD equipment is responsible for ensuring the cleanliness and organization of the vehicles and equipment after they are finished. Field vehicles and equipment are likely to become dirtier and more dis-organized than non-field vehicles and equipment, but this should not be a constant or near constant state. As such, field vehicles and equipment should be cleaned and organized on a regular basis.

11.0 Use of Electronic Devices

Employee use of EMSWCD electronic devices [including, but not limited to landline and cellular telephones, tablets, computers, and other electronic devices (including the Internet)], is limited to official EMSWCD purposes. However, for practical reasons, short infrequent use of these devices for such things as personal telephone calls and occasional personal email or web use, is allowed. Personal use of EMSWCD electronic devices during work hours should be kept to a minimum (i.e., *de minimis* use). *De minimis* use of EMSWCD electronic devices must not interfere with employee duties. Also, employees' personal use of EMSWCD electronic devices is not considered "private." As such, all use of EMSWCD electronic devices may be monitored, documented, and evaluated at a later time.

Inappropriate and prohibited personal and professional uses of EMSWCD electronic devices at all times include, but are not limited to, actions and communications related to political work, private business work, gambling, vulgar or disparaging content, the promotion of hate or ethnic violence or civil rights violations, and pornography. Also, if employees personal use of EMSWCD electronic devices interfere with work, employees will be asked to refrain from the personal use altogether and may be disciplined and/or terminated, depending on the type of use.

Employee use of personal electronic devices [including, but not limited to cellular telephones, tablets, computers, and other electronic devices (including the Internet)], during the workday should be done on breaks whenever possible. When not possible, employee use of personal electronic devices must be kept to a minimum. If employees use of personal electronic devices interfere with work, employees will be asked to refrain from the personal use altogether and may be disciplined and/or terminated, depending on the extent of the interference.



12.0 Use of Tobacco, Drugs, and Alcohol

EMSWCD is a smoke-free workplace. The use of tobacco, by any means (e.g., smoking, vaping, chewing), while working and/or in non-designated locations is prohibited. Employees who use tobacco products may do so only while on break and in designated areas or off EMSWCD premises.

EMSWCD is a drug-free workplace. Using or possessing recreational marijuana and illegal substances while at work and/or on EMSWCD-owned properties is prohibited. Reporting for work (at any site or location) under the influence of illegal drugs, recreational marijuana, or controlled substances is prohibited. Any employee found to be in possession of, or under the influence of, illegal drugs, recreational marijuana, or controlled substances while on the job will be subject to immediate disciplinary action, up to and including termination.

Alcohol consumption while working and/or on EMSWCD premises is prohibited except under the circumstances described below. Reporting for work (at any site or location) under the influence of alcohol is prohibited. Any employee found to be under the influence of alcohol while on the job or on EMSWCD property may be subject to immediate disciplinary action, up to and including termination.

EMSWCD recognizes that employees may, within the course and scope of their employment and their workday, find themselves in situations where very modest consumption of alcoholic beverages may be appropriate and is allowed. While alcohol consumption during work hours is absolutely not required or encouraged, it is allowed only when all of the following conditions are met:

- The employee is not on EMSWCD-owned properties, or on any other property where alcohol consumption is prohibited;
- The employee is not operating, or responsible for operating, EMSWCD vehicles or equipment, or other government vehicles or equipment;
- The alcohol is not purchased with public funds controlled by EMSWCD;
- The employee does not become legally intoxicated or otherwise mentally or physically impaired by the consumption of the alcohol;
- The employee does not lose the ability to effectively maintain appropriate, professional behavior;
- No alcohol is provided to minors or others prohibited from consuming alcohol; and
- The employee is complying with all applicable laws while consuming the alcohol.

For example, alcohol consumption may be permissible during an off-site meal (e.g., lunch or dinner), or at an off-site reception, banquet, or other special event related to the employee's duties. Employees are expected to exercise discretion in determining the appropriate level of consumption under the circumstances. Also, employees who consume under the above conditions are subject to all rules and standards of conduct and professionalism that employees are subject to while at work, including, but not limited to, anti-harassment, respectful workplace policies, and being a good ambassador of EMSWCD.

Employees who wish to continue social activities, which include consuming alcoholic beverages, beyond their work hours must establish a physical and/or temporal "break" between the work location and time and the non-work location and time. This must be done by changing locations or leaving the location for



at least 30 minutes prior to returning for non-work-related activities. If the employee was wearing EMSWCD branded gear during the work hours, the employee must remove that gear prior to engaging in non-work-related social activities/alcohol consumption.

Any employee who violates this policy will be deemed to be acting outside the scope of his or her duties, thereby waiving the EMSWCD's obligation to indemnify the employee for damages caused to or by the employee as a result.

13.0 Possession of Firearms and Other Weapons

Except as identified below or as specifically authorized by the EMSWCD Board of Directors, the possession of weapons while on duty, the possession of weapons on EMSWCD property, and the brandishing of any object that could reasonably be construed as a weapon are prohibited. The Executive Director has the discretion to determine what constitutes a "weapon" under this policy. Prohibited weapons include, but are not limited to: guns of any kind, tasers, knives (over five inches), explosives, brass knuckles, martial arts-related weapons, and tear gas. The Executive Director may authorize the use of tools necessary for the performance of an employee's normal job duties, such as, but not limited to knives (five inches or less), shears, clippers, machetes, shovels, soil probes, hoes, rakes, hammers, and picks, but may revoke the authorization if job-related tools are used inappropriately as a form of weapon.

For purposes of this policy, "on duty" means performing work for or on behalf of EMSWCD, whether on or off EMSWCD property. EMSWCD property includes buildings, owned or leased land, parking lots, and EMSWCD-owned vehicles. Employees may store any legally owned firearm or other weapon within a secured location (e.g., storage case, holster, locked glove compartment, trunk, or storage box) within their personal vehicle when the vehicle is under the employee's direct control and/or locked.

It is an express exemption to this policy that employees may carry chemical mace or pepper spray for personal protection during work hours and on EMSWCD property. Any employee who chooses to carry chemical mace or pepper spray during work hours and on EMSWCD property must abide by all of the following requirements:

- Notify the Executive Director in writing of the intent to possess chemical mace or pepper spray during work hours and on EMSWCD properties;
- Complete EMSWCD-approved training;
- Submit proof of the completed EMSWCD-approved training to the Executive Director;
- Obtain the chemical mace or pepper spray at the employee's sole expense;
- Comply with all EMSWCD policies relating to the possession and use of the chemical mace or pepper spray;
- Carry and use the chemical mace or pepper spray safely and in accordance with all label instructions and all relevant local, state, and federal laws;
- Maintain immediate control over the chemical mace or pepper spray while at work and on EMSWCD properties (except that chemical mace or pepper spray may be stored in a secured location within the employee's locked personal vehicle);
- Only discharge chemical mace or pepper spray for legitimate self-defense purposes;



- Immediately report to the Executive Director any discharge of chemical mace or pepper spray during work hours; and
- Immediately report to the Executive Director any violation of this policy.

The Executive Director may take appropriate disciplinary action for any violation of this policy, including but not limiting to revoking an employee's ability to carry chemical mace and/or pepper spray. Any employee who violates this policy will be deemed to be acting outside the scope of his or her duties, thereby waiving the EMSWCD's obligation to indemnify the employee for damages caused to or by the employee as a result.

14.0 Expectations of Privacy

Employees have no right to privacy relating to activities, materials or documents, including emails and other electronic documents that are created or stored on EMSWCD computers or on EMSWCD premises, property, or vehicles. Any EMSWCD building, office, vehicle, computer, desk, and file cabinets, among other EMSWCD areas, may be accessed at any time by EMSWCD management without notice to employees. In addition, EMSWCD may use software to monitor employees' use of EMSWCD computers, tablets and phones, including which websites employees visit and for how long. EMSWCD may also use GPS tracking devices to monitor employees' use of EMSWCD vehicles and equipment. Monitoring of an employee will normally be undertaken only when there is a sense or evidence that the employee is not acting in accordance with EMSWCD policies and procedures and/or legal or regulatory requirements. EMSWCD management personnel may give law enforcement officials any potential evidence of crime found on or within EMSWCD-related property.

15.0 Use of Official Information

Employees must not use or allow the use of official information gained through EMSWCD employment, which has not been made available to the general public, for furthering a private interest.

16.0 Outside Employment/Conflicts of Interest

EMSWCD employees are prohibited from having direct or indirect financial interests that conflict substantially, or appears to conflict substantially, with the duties and responsibilities of the employee. EMSWCD employees may not have outside employment that conflicts with the interests of EMSWCD. Conflicts of interest may include, but are not limited to, outside employment that furnishes information or technical assistance to individuals that is the same or substantially the same as the employee's regular EMSWCD duties, which is not generally available to the public.