## Personnel Committee Meeting Agenda

**East Multnomah Soil and Water Conservation District**  
(July 20, 2018)

**Friday, July 27, 2018, 4:00 PM – 6:00 PM**  
5211 North Williams Ave, Portland OR

<table>
<thead>
<tr>
<th>Item #</th>
<th>Time</th>
<th>Agenda Item</th>
<th>Purpose</th>
<th>Presenter</th>
</tr>
</thead>
</table>
| 1      | 4:00 | Welcome and Call to Order:  
  - Review/revise agenda  
  - Previous action items  
  - Approval of Minutes | Information/Decision | Guebert |
| 2      | 4:05 | Time reserved for public comment ¹ | Information | Public | n/a |
| 3      | 4:10 | Draft Personnel Policies | Decision | Udelhoven |

### Packet

* Please Read  
~ Please Review

- a. March 13, 2018 Meeting Minutes
- a. Introduction/Index  
- b. Time Off/Leave  
- c. Open Door/Grievances  
- d. Workplace Safety  
- e. Performance Reviews  
- f. Professional Development  
- g. Non-Pay Benefits  
- h. Discipline and Separation  
- i. Tort Liability  
- j. Public Commenting  
- k. Addressing Resource Concerns

**Overview:** Udelhoven will present the next round of draft personnel policy updates for the PC’s consideration of making a recommendation to the full Board of Directors to adopt the policies.

<table>
<thead>
<tr>
<th>4</th>
<th>5:15</th>
<th>Exit Interview</th>
<th>Discussion</th>
<th>Guebert/Adams</th>
<th>n/a</th>
</tr>
</thead>
</table>
| 5      | 6:00 | • Announcements and Reminders  
  • Action Items  
  • Adjourn | Information | Guebert | n/a |

¹ Each member of the public who wishes to speak shall be given approximately 3 minutes.
EMSWCD Board Members, Officers and Meeting Dates:

<table>
<thead>
<tr>
<th>Members</th>
<th>Positions</th>
<th>Officers</th>
<th>PC</th>
<th>FY18-19 Schedule</th>
<th>Board</th>
<th>PC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>Zone 1 Director</td>
<td></td>
<td>PC</td>
<td>July</td>
<td>--</td>
<td>27</td>
</tr>
<tr>
<td>Laura Masterson</td>
<td>Zone 2 Director</td>
<td>X</td>
<td>PC</td>
<td>August</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Mike Guebert</td>
<td>Zone 3 Director</td>
<td>Treasurer</td>
<td>Chair</td>
<td>September</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Rick Till</td>
<td>At-Large 1 Director</td>
<td>Chair</td>
<td>X</td>
<td>October</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Allison Hensey</td>
<td>At-Large 2 Director</td>
<td>Secretary</td>
<td></td>
<td>November</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Dianna Pope</td>
<td>Director Emeritus</td>
<td></td>
<td>PC</td>
<td>December</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Carrie Sanneman</td>
<td>Associate Director</td>
<td></td>
<td></td>
<td>January</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Mike Gerel</td>
<td>Associate Director</td>
<td></td>
<td>PC</td>
<td>February</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>March</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>April</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>May</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>July</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>
Attendees

| Committee Members | Laura Masterson  
|                   | Mike Guebert, Chair  
| Committee Members, not attending | Nellie McAdams  
| Staff             | Jay Udelhoven, Executive Director  
|                   | Lissa Adams, Chief of Finance & Operations  
|                   | Kathy Shearin, Urban Lands Program Manager  
|                   | Julie DiLeone, Rural Lands Program Manager  
|                   | Lindsay Nelson, Office Manager  
| Guests            | There were no guest present  

<table>
<thead>
<tr>
<th>Item #</th>
<th>Time</th>
<th>Agenda Item</th>
<th>Purpose</th>
<th>Presenter</th>
<th>Packet</th>
</tr>
</thead>
</table>
| 1       | 10:33 | **Welcome and Call to Order:**                  | Information/Decision   | Guebert    | a. September 5, 2017 Meeting Minutes  
|         |       | • Review/revise agenda                          |                        |            | b. Board Decision Log                                                  |
|         |       | • Previous action items                         |                        |            | c. PC Decision Log                                                    |
|         |       | • Approval of Minutes                           |                        |            |                                                                        |
|         |       | Meeting called to order at 10:33AM              |                        |            |                                                                        |
|         |       | • Udelhoven reviewed the previous meetings action items. |            |            |                                                                        |
|         |       | • A discussion was held on a previous action item that needed clarification. Udelhoven will mark the action item as pending and will go back through the minutes to verify it. |            |            |                                                                        |
|         |       | **MOTION:** Masterson moved to approve the September, 2017 Personnel Committee Meeting Minutes |            |            |                                                                        |
|         |       | **Guebert 2nds**                                |                        |            |                                                                        |
|         |       | All in favor – motion passes unanimously        |                        |            |                                                                        |
| 2       | 10:39 | **Time reserved for public comment**            | Information            | Public     | n/a                                                                    |
|         |       | • No members of the public were in attendance.  |                        |            |                                                                        |

---

1 Each member of the public who wishes to speak shall be given approximately 3 minutes.
<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
<th>Discussion</th>
<th>Presenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:40</td>
<td>Draft Personnel Policies</td>
<td>Discussion</td>
<td>Udelhoven</td>
</tr>
</tbody>
</table>

- Udelhoven provided a detailed review of 8 personnel policies and asked for recommendations from the Committee members.
- Udelhoven provided feedback and suggestions he had received from some of the EMSWCD staff but also noted that not all staff have provided their feedback yet.
- There was a discussion on the Personnel Committee recommendation process.
- Guebert suggested having a conversation at the next Board meeting about filling the open Personnel Committee seat.
- A discussion was held on why the Associate Directors, under current policy, are not allowed to sit on the Personnel Committee.
- A discussion was held on the open door, grievance, and whistle blowing policy.
  - Guebert suggested the idea of looking into hiring an HR consultant to fill the void of having someone that Staff can talk to.
  - Udelhoven brought up the idea of collaborating with MCDE and WMSWCD to identify HR needs and maybe pulling resources together to hire someone.
  - Shearin suggested capturing the Staff's needs or wants in an HR representative.
  - A few ideas were brought to the table such as an anonymous survey or a suggestion box located in the cloud.
  - Guebert suggested looking into mediated services. Someone who has no inside role with the organization and Staff would feel comfortable talking with.
- Udelhoven suggested changing the title of “Public Work Place Safety” in policy 1.1.11 to “Work Place Safety.”
- Udelhoven gave a detailed explanation of the current workplace safety policy and shared with the Board an incident that took place in front of the EMSWCD office as an example of when the policy clarification would be needed.
- There was a discussion on the language used in section 4.2 Proactive Measures. Guebert suggested that the wording was too vague.
- A discussion was held on if EMSWCD conducts a background check on new hires and if the employment application asks if an applicant has been convicted of a felony.
  - Masterson suggested bringing this subject to the equity team at CEI and ask for their professional opinion.
  - Udelhoven is going to look into best practices for background checks.
- Udelhoven discussed adding a tuition assistance policy with conditions that are outlined in the draft.
- A discussion was held on providing a wellness and commuting incentive to EMSWCD employees.
  - DiLeone expressed concern for accessibility to all employees.
  - Udelhoven welcomed suggestions on how to make the incentive accessible to everyone and encouraged others to share their input.
  - Guebert mentioned a program called Krowdfit and also offered to look at Metro’s wellness incentive and share best practices.
- Udelhoven announced that Nelson is looking into an FSA program, detailing how to use it, rollover, and early termination clause.
Udelhoven went through policy 1.1.16 to clarify who has the authority to make final decisions on disciplinary actions, terminations, and severance pay.
  o Udelhoven suggested changing the severance policy to mimic the termination process.

Udelhoven will further clarify the wording and process on policy 1.1.16.

A discussion was held on the State’s tort liability.
  o Udelhoven explained the policy as written and as followed by the State of Oregon.
  o Questions and concerns were discussed and it was requested that Udelhoven check further into this policy and verify that this policy does not include while driving State vehicles and if there is separate liability insurance that covers those situations (i.e. Auto insurance).

A discussion was held on policy 1.1.119 Addressing a Resource Concern to determine if reporting public concerns is a process that EMSWCD should participate and if so, what the process or policy should look like.

DiLeone expressed concern with the way that the policy is currently written and stated that the program Staff may feel more comfortable with adding language or stipulations around the type of situation to report. Eminent danger to human health was an example given.
  o Guebert suggested taking this topic to the Board for further discussion.
  o Masterson asked if there was a policy that outlined what EMSWCD employees do if they come across criminal activity.

4 12:28

- Announcements and Reminders
  Information
- Action Items
  Guebert
- Adjourn
  n/a

It was announced that the next meeting is scheduled for June 12th, 2018.

Guebert announced that he may have a candidate who would qualify and be interested in the Zone 1 Director position.

Meeting adjourned at 12:29pm.
## Previous Action Items

<table>
<thead>
<tr>
<th>Date Generated</th>
<th>Previous Action Items</th>
<th>Responsible Parties</th>
<th>Due Date</th>
<th>Current Status as of Date of Draft Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/13/18</td>
<td>Go back to previous minutes to clarify what “Provide an explanation of minimum vs. middle vs. maximum and how to determine the three” applies to.</td>
<td>Udelhoven/Nelson</td>
<td>ASAP</td>
<td>Pending</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Look into best practices for background checks.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Pending</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Clarify Personnel Committee process and detail who gets to make the final decisions on disciplinary actions, terminations and severance pay.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Completed</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Revisit language used for policy 1.1.11:4.2 bullet 3. As written, the statement is too vague.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Completed</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Gather information on Metro’s wellness plan to share best practices.</td>
<td>Guebert</td>
<td>ASAP</td>
<td>Pending</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Get more information on how to use an FSA and determine what conditions apply to the account and share with Udelhoven.</td>
<td>Nelson</td>
<td>ASAP</td>
<td>Completed</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Conduct more research on State tort liabilities and verify in state liabilities vs, out of state liabilities.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Completed</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Verify of employees are covered in State vehicles when traveling out of state.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Completed</td>
</tr>
<tr>
<td>3/13/18</td>
<td>Look for or create a policy that explains how EMSWCD employees report criminal activity out in the fields.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Completed</td>
</tr>
</tbody>
</table>

## EMSWCD Board Members, Officers and Meeting Dates:

<table>
<thead>
<tr>
<th>Members</th>
<th>Positions</th>
<th>Officers</th>
<th>PC</th>
<th>FY17-18 Schedule</th>
<th>Board</th>
<th>PC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nellie McAdams</td>
<td>Zone 1 Director</td>
<td>Vice-Chair</td>
<td>X</td>
<td>March</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>Laura Masterson</td>
<td>Zone 2 Director</td>
<td>X</td>
<td></td>
<td>April</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mike Guebert</td>
<td>Zone 3 Director</td>
<td>Treasurer</td>
<td>Chair</td>
<td>May</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Rick Till</td>
<td>At-Large 1 Director</td>
<td>Chair</td>
<td></td>
<td>June</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>Allison Hensey</td>
<td>At-Large 2 Director</td>
<td>Secretary</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dianna Pope</td>
<td>Director Emeritus</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Policy 1.0.1: Employee Handbook Introduction
East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: 10/02/17
Policy revised and approved by EMSWCD Board of Directors on: N/A

In this Policy

1.0 Introduction ............................................................................................................................................ 1
2.0 Applicability of Policies ........................................................................................................................... 2
3.0 Purpose and Authority of EMSWCD ....................................................................................................... 2
4.0 Administration and Review of Policies ................................................................................................... 2
5.0 Policy Index ............................................................................................................................................. 3
6.0 New Employee Notification Check List ................................................................................................... 5
7.0 Acknowledgement of New Employee Checklist Completion and Receipt of Employee Handbook ...... 6

1.0 Introduction
This Employee Handbook includes the East Multnomah Soil and Water Conservation District’s (EMSWCD’s) formal resolutions, policies, rules, procedures, and guidelines (collectively hereafter referred to as “policies”). New and existing employees should become extremely familiar with the structure and content of the Employee Handbook and should refer to it often during their careers at EMSWCD.

After new employee orientation and after reviewing and becoming familiar with the contents of the Employee Handbook, each employee must sign and date Section 6 and Section 7 of this policy and submit a copy of the completed sections to EMSWCD’s Office Manager for retention in the employee’s personnel file. If any policy-related issue is unclear at any time during an employee’s employment at EMSWCD, employees should let their supervisor, the Executive Director, and/or a board member know.

The Employee Handbook and the policies herein are neither a contract nor a guarantee of continued employment and will be used by EMSWCD as guidance. The Employee Handbook is also not a promise that the arrangements and benefits described herein will not change or be eliminated. EMSWCD reserves the right to deviate from the policies and use its discretion on a case-by-case basis to make all employment decisions. EMSWCD reserves the right to change, add to, or delete policies at any time. The authorities to alter the policies are clearly identified in Policy 1.01. Employees will be informed in writing of all formal substantive changes, which will be effective on dates determined by EMSWCD with Board approval. Employees cannot rely on policies that have been superseded.

EMSWCD reserves the right to employ at-will. Employment can be terminated, with or without cause, and with or without notice, at any time, at the option of EMSWCD and its Board of Directors or at the option of the employee. The EMSWCD Board of Directors has the authority to change, downsize or discontinue any program and to eliminate any and all employees at any time, with or without cause.
2.0 Applicability of Policies
These policies apply to all EMSWCD employees and, where specifically stated, to all board members.

3.0 Purpose and Authority of EMSWCD
Nationally, Soil Conservation Districts (SCDs) came about in the 1930s during the Dust Bowl, when the Federal government realized conservation needs varied greatly by region and that local conservation districts could better help landowners with their specific challenges. The first Oregon SCD was formed in 1940; EMSCD was formed in 1950. The “and Water” was added in 1963. A Soil and Water Conservation District (SWCD), similar to other types of Special Districts, such as Fire, Library or School Districts, is a unit of local government in Oregon created to serve a particular purpose. The general powers and authorities of Oregon SWCDs are described in State statute: Oregon Revised Statutes (ORS) chapter 568 (http://www.leg.state.or.us/ors/568.html).

4.0 Administration and Review of Policies
EMSWCD policies are under the direct control of the Executive Director and the Board of Directors. Each employee, however, can assist in keeping the policies up-to-date. When new or revised policies are needed, a recommendation may be submitted to a supervisor, the Executive Director, the Personnel Committee, or an individual board member.
5.0 Policy Index

<table>
<thead>
<tr>
<th>POL #</th>
<th>Subject Areas</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0.0</td>
<td>Finance &amp; Operations</td>
<td></td>
</tr>
<tr>
<td>1.0.1</td>
<td>Handbook Introduction, Index, and Employee Signature</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.0.2</td>
<td>Directive decision-making authorities</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.0</td>
<td>Human Resources</td>
<td></td>
</tr>
<tr>
<td>1.1.1</td>
<td>EEO, Discrimination, and Harassment</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.2</td>
<td>Job Families, Classifications, and Positions</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.3</td>
<td>Salaries and Wages</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.4</td>
<td>Job Recruitments</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.5</td>
<td>Informational Interviews</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.6</td>
<td>Position Parameters</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.7</td>
<td>Scheduling, Breaks, and Overtime</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.8</td>
<td>Time Off/Leave</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.9</td>
<td>Employee Conduct</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.10</td>
<td>Open Door, Grievances, and Whistle Blower</td>
<td>~</td>
</tr>
<tr>
<td>1.1.11</td>
<td>Employee and Public Workplace Safety</td>
<td>2013</td>
</tr>
<tr>
<td>1.1.12</td>
<td>Emergency Action Plan</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.13</td>
<td>Annual Performance Reviews</td>
<td>11/2017</td>
</tr>
<tr>
<td>1.1.14</td>
<td>Professional Development</td>
<td>~</td>
</tr>
<tr>
<td>1.1.15</td>
<td>Non-pay Benefits: Health and Life Insurance</td>
<td>~</td>
</tr>
<tr>
<td>1.1.16</td>
<td>Benefits: Wellness and Commuting Incentives</td>
<td>~</td>
</tr>
<tr>
<td>1.1.17</td>
<td>Benefits: Retirement Plan</td>
<td>~</td>
</tr>
<tr>
<td>1.1.186</td>
<td>Disciplinary Actions and Separation from Service</td>
<td>~</td>
</tr>
<tr>
<td>1.1.197</td>
<td>Tort Liability</td>
<td>~</td>
</tr>
<tr>
<td>1.1.2018</td>
<td>Public Commenting</td>
<td>2015</td>
</tr>
<tr>
<td>1.1.2119</td>
<td>Public Resource Complaints Addressing Resource Concerns</td>
<td>2003</td>
</tr>
<tr>
<td>1.1.220</td>
<td>Provision of Clothing, Equipment and Supplies</td>
<td>~</td>
</tr>
<tr>
<td>1.2.0</td>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>1.2.1</td>
<td>Filing Categories &amp; Retention</td>
<td>2009?</td>
</tr>
<tr>
<td>1.2.2</td>
<td>Public Contracting</td>
<td>2005</td>
</tr>
<tr>
<td>1.2.3</td>
<td>Public Records and Disclosure</td>
<td>2008</td>
</tr>
<tr>
<td>1.2.4</td>
<td>Inter-Governmental Agreements</td>
<td></td>
</tr>
<tr>
<td>1.3.0</td>
<td>Board &amp; Committees</td>
<td></td>
</tr>
<tr>
<td>1.3.1</td>
<td>Board &amp; Committees Policies and Procedures</td>
<td>2016</td>
</tr>
<tr>
<td>1.3.2</td>
<td>Public Meetings</td>
<td>~</td>
</tr>
<tr>
<td>1.4.0</td>
<td>Facilities</td>
<td></td>
</tr>
<tr>
<td>1.4.1</td>
<td>Public Facilities and Use</td>
<td>~</td>
</tr>
<tr>
<td>1.4.2</td>
<td>Security Alarm Procedures</td>
<td>2014</td>
</tr>
<tr>
<td>1.5.0</td>
<td>Finance &amp; Budget</td>
<td></td>
</tr>
<tr>
<td>POL #</td>
<td>Subject Areas</td>
<td>Date</td>
</tr>
<tr>
<td>-------</td>
<td>---------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1.5.1</td>
<td>Fiscal Policies &amp; Procedures</td>
<td>2014-2015</td>
</tr>
<tr>
<td>1.5.2</td>
<td>Employee Expenses</td>
<td>~</td>
</tr>
<tr>
<td>1.5.3</td>
<td>Time Keeping and Payroll</td>
<td>~</td>
</tr>
<tr>
<td>1.6.0</td>
<td>Marketing</td>
<td></td>
</tr>
<tr>
<td>1.6.1</td>
<td>Media and Outreach</td>
<td>~</td>
</tr>
<tr>
<td>1.7.0</td>
<td>Information Technology</td>
<td></td>
</tr>
<tr>
<td>1.7.1</td>
<td>Cyber-Security</td>
<td></td>
</tr>
<tr>
<td>1.7.2</td>
<td>Use of District I.T. Equipment</td>
<td></td>
</tr>
<tr>
<td>1.7.3</td>
<td>Replacement of I.T. Equipment</td>
<td></td>
</tr>
<tr>
<td>1.8.0</td>
<td>Vehicles/Fleet</td>
<td></td>
</tr>
<tr>
<td>1.8.1</td>
<td>Vehicle Use &amp; Accident Reporting</td>
<td>~</td>
</tr>
<tr>
<td>2.0.0</td>
<td>Urban Lands</td>
<td></td>
</tr>
<tr>
<td>2.1.0</td>
<td>Demonstration Projects</td>
<td></td>
</tr>
<tr>
<td>2.2.0</td>
<td>Site Consultation</td>
<td></td>
</tr>
<tr>
<td>2.3.0</td>
<td>Workshops</td>
<td></td>
</tr>
<tr>
<td>2.4.0</td>
<td>Events</td>
<td></td>
</tr>
<tr>
<td>3.0.0</td>
<td>Rural Lands</td>
<td></td>
</tr>
<tr>
<td>3.1.0</td>
<td>Rural Water Quality/StreamCare</td>
<td></td>
</tr>
<tr>
<td>3.2.0</td>
<td>Weed Free</td>
<td></td>
</tr>
<tr>
<td>3.3.1</td>
<td>Integrated Pest Management</td>
<td>2012</td>
</tr>
<tr>
<td>4.0.0</td>
<td>Conservation Legacy</td>
<td></td>
</tr>
<tr>
<td>4.1.0</td>
<td>Land Legacy</td>
<td></td>
</tr>
<tr>
<td>4.1.1</td>
<td>Program Establishment</td>
<td>2013</td>
</tr>
<tr>
<td>4.2.0</td>
<td>Grants</td>
<td></td>
</tr>
<tr>
<td>4.2.1</td>
<td>Disclosure &amp; Bias</td>
<td>2014</td>
</tr>
<tr>
<td>4.2.2</td>
<td>Strategic Conservation Investment Grants</td>
<td>2015</td>
</tr>
<tr>
<td>4.2.3</td>
<td>CLIP Guidelines</td>
<td>2016</td>
</tr>
<tr>
<td>4.2.4</td>
<td>PIC Process and Criteria</td>
<td></td>
</tr>
<tr>
<td>4.2.5</td>
<td>Program Decision-making</td>
<td>2015</td>
</tr>
<tr>
<td>4.2.6</td>
<td>SPACE Decision-making</td>
<td>2018</td>
</tr>
<tr>
<td>4.2.7</td>
<td>CLIP Decision-making</td>
<td>2018</td>
</tr>
<tr>
<td>4.3.0</td>
<td>Headwaters</td>
<td></td>
</tr>
<tr>
<td>4.3.1</td>
<td>HIP Farmer’s Manual</td>
<td>2015</td>
</tr>
<tr>
<td>4.3.2</td>
<td>HIP Fine Structure</td>
<td>2013</td>
</tr>
<tr>
<td>4.3.3</td>
<td>HIP Opportunities for Private Events</td>
<td>2015</td>
</tr>
</tbody>
</table>
6.0 New Employee Notification Check List

*Please contact your supervisor if you have not completed any of the items below.*

- [ ] I have read/received a copy of the Employee Handbook and understand that I am responsible to know and follow the policies and procedures therein, printed and signed the Acknowledgement Form on the last page and submitted it to my manager.

- [ ] I have received a copy of my job description.

- [ ] I have received documentation of COBRA benefits available. (N/A for temporary positions.)

- [ ] I have received/read/completed/submitted coverage and enrollment documents for health, dental, vision, life and disability insurance. (N/A for temporary positions.)

- [ ] I have completed/submitted forms W-4 and I-9.

- [ ] I have received building and office keys, read and practiced the security system procedures, and received my building security code.

- [ ] I have been shown the bulletin boards and am aware of the posted documents.

- [ ] I have received a copy of the EMSWCD’s retirement account information and enrollment forms. (N/A for temporary positions.)

- [ ] I have received/submitted a copy of the electronic payroll enrollment form.

- [ ] I have been informed of/read the form for the reporting requirements for an on the-job-injury.

- [ ] I have provided EMSWCD with my emergency contact information.

- [ ] I have received a copy of the EMSWCD staff and board contact list
7.0 Acknowledgement of New Employee Checklist Completion and Receipt of Employee Handbook

EAST MULTNOMAH SOIL AND WATER CONSERVATION DISTRICT

I, __________________________ acknowledge that I have completed each item contained within the new employee checklist and that I received the EMSWCD Employee Handbook. I understand that the Employee Handbook is not intended to cover every situation which may arise during my employment, but is simply a guide to the policies, practices, procedures, plans, and benefits (collectively, “policies”) of the EMSWCD.

I am aware that I am expected to read, become familiar with, and follow the policies set forth in this Handbook. I understand that if I ever have any questions about any of the policies or expectations, I should let my supervisor, the Executive Director, and/or a board member know. I am also aware that I am expected to read and be familiar with any future updates/changes to the information contained in this Handbook.

I understand that the Handbook is not a contract of employment and should not be deemed as such, and that I am employed at-will.

I understand EMSWCD employment is based on the availability of funds designated for this purpose.

Employee Signature ___________________________ Date ____________

Supervisor Signature ___________________________ Date ____________

Distribution of this form after completion:
- Employee
- Supervisor
- Personnel file
Policy 1.1.8: Time Off / Leave Time
East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: 10/02/17
Policy revised and approved by EMSWCD Board of Directors on: N/A

In this Policy

1.0 Time Off Philosophy ................................................................................................................................ 2
2.0 Time Off Requests ................................................................................................................................... 2
3.0 Time Worked Beyond 40 Hours per Week ............................................................................................. 2
  3.1 Bank Time ............................................................................................................................................ 2
  3.2 Overtime/Compensatory Time ........................................................................................................... 3
4.0 Vacation Leave ........................................................................................................................................ 4
5.0 Floating Holiday Leave ............................................................................................................................ 5
6.0 Wellness Leave ........................................................................................................................................ 6
7.0 Donated Leave ........................................................................................................................................ 6
8.0 Medical/Parental Leave, Supplementary Medical/Parental Leave, Paid Domestic Leave ..................... 8
9.0 Bereavement Leave ................................................................................................................................ 9
10.0 Mandatory Leaves ............................................................................................................................... 10
  10.1 Bone Marrow Leave ........................................................................................................................ 10
  10.2 Court/Jury Duty Leave .................................................................................................................... 10
  10.3 Crime Victims’ Leave ....................................................................................................................... 10
  10.4 Domestic Violence Leave ................................................................................................................ 11
  10.5 Military Leave ................................................................................................................................ 11
  10.6 Disability Leave ................................................................................................................................ 11
  10.7 Leave for On-the-Job Injuries .......................................................................................................... 11
  10.8 FMLA Leave ..................................................................................................................................... 11
11.0 Emergency Closure Leave ................................................................................................................... 12
  11.1 Inclement Weather .......................................................................................................................... 12
  11.2 Natural Disasters, Attacks, Quarantines ..... 12
12.0 Sabbatical Leave .................................................................................................................................. 13
13.0 Other Leave without Pay .................................................................................................................... 14
14.0 Unapproved Leave ................................................................................................................................ 14
1.0 Time Off Philosophy
EMSWCD encourages employees to take time off from work for vacation, as holidays, and as needed for wellness purposes. EMSWCD encourages each employee to achieve a work-home life balance that provides time for them to enjoy both their professional and personal lives as much as possible. EMSWCD recognizes that some employees may want to take small amounts of paid time off from work on a monthly basis, whereas other employees may want to accumulate the maximum amounts of paid leave and take as much time off as possible at one time. These are both acceptable approaches, but any time taken away from work must be arranged as soon as possible and will be approved when it does not unduly interfere with EMSWCD business.

Regular full-time and part-time employees (who normally work at least 20 hours per week) are eligible for paid leave as detailed in this policy. Regular part-time employees who normally work less than 20 hours per week and temporary employees (employees with pre-determined employment periods and/or end dates), whether fulltime or part-time, are usually not eligible for any type of paid leave. All leave eligibility, accrual rates, use, and status upon departure are set forth within this section as applicable to all EMSWCD staff. Any divergence from this policy (for example, as a result of initial employment negotiations), must be made in writing by the Executive Director.

2.0 Time Off Requests
When possible, all leave requests are expected to be pre-approved by the employee’s supervisor. Leave requests should be scheduled so the leave does not interfere with the accomplishment of the employee’s responsibilities or with EMSWCD operations. In some cases, all or part of the employee’s work assignments may be distributed to other employees. There may also be circumstances when requested leave may not be approved due to competing EMSWCD priorities or leave requests. These arrangements are to be discussed prior to taking time off.

3.0 Time Worked Beyond 40 Hours per Week
While employees and their supervisors should strive to maintain fulltime employees’ work schedules to a maximum of 40 hours per week, there may be times when employees’ tasks and projects require exceeding this. This is handled differently for exempt/salaried employees (addressed through “bank time”) and non-exempt/hourly employees (addressed through “overtime/compensatory time”).

3.1 Bank Time
**Eligibility**
- Regular status, fulltime exempt/salaried employees.

**Accrual**
- When employees exceed 40 hours of work per week, the time in excess of 40 hours is accrued in a “Time Bank” (referred to hereafter as “bank time”).
- No more than 60 hours of bank time may be accumulated; any time in excess of this amount is lost.
- Under special circumstances, employees and supervisors may request written pre-authorization from the Executive Director for employees to exceed the maximum bank time.
- Paid leave (of any kind, including wellness leave) is not counted as time worked during the workweek for the purposes in this section. For example, an employee who clocks 39 hours in a
workweek, should not take 8 hours of paid leave if they want to take a day off. Taking 8 hours of
leave would mean the person would unnecessarily account for 47 hours in a workweek (7 hours
of which would be “lost” because it does not count as time worked). The person should only
clock the actual “hours worked” (39) plus an additional 1 hour of leave, to make 40 hours in the
workweek.

Use
• Banked time may be used similar to vacation leave.

Status upon departure
• If an employee leaves employment (voluntarily or involuntarily), the employee will be paid for
any unused bank time that has not been lost due to exceedances.

3.2 Overtime/Compensatory Time

Eligibility
• Regular status, fulltime non-exempt/hourly employees.

Accrual
• From time to time, employees may be asked by their supervisors to work overtime (more than 8
hours per day or more than 40 hours per week).
• All overtime must be pre-approved by a supervisor and/or the Executive Director.
• Employees may choose one of two options to be compensated for overtime: 1) they may be
paid time and ½ for the hours worked; or 2) they may elect to accumulate compensatory time at
the rate of time and ½ for the hours worked.
• Employees must notify time-keeping staff how they want to be compensated for overtime.
• If time is accumulated, a maximum of 60 hours may be accumulated; otherwise the remaining
amounts will be paid.
• Paid leave (of any kind, included wellness leave) is not counted as time worked during the
workweek for the purposes in this section. For example, an employee who clocks 39 hours
in a workweek, should not take 8 hours of paid leave if they want to take a day off. Taking 8
hours of leave would mean the person would unnecessarily account for 47 hours in a
workweek (7 hours of which would be “lost” because it does not count as time worked). The
person should only clock the actual “hours worked” (39) plus an additional 1 hour of leave,
to make 40 hours in the workweek.

Use
• Although compensatory time will be recorded separately from other types of leave, it may be
used like vacation leave.

Status upon departure
• If an employee leaves employment (voluntarily or involuntarily), the employee will be paid for
any unused compensatory time.
4.0 Vacation Leave

**Eligibility**
- Each regular status employee who normally works at least 20 hours per week shall earn vacation leave.
- Regular part-time employees who normally work less than 20 hours per week are not eligible for vacation leave.
- Temporary employees (employees with pre-determined employment periods and/or end dates), whether fulltime or part-time, are also not eligible for vacation leave.

**Accrual**
- Vacation leave accrual starts on the first day of employment.
- Vacation leave accrual, however, is on a monthly basis and shall be recorded at the end of each month.
- If an employee is employed less than a full month, then vacation leave accrual is prorated for that month.
- The table below indicates the accrual rates and maximum accumulation of vacation leave for regular, fulltime employees based on the amount of time employees have been employed at EMSWCD.
- Regular part-time employees who are normally scheduled to work fewer than 40 hours per week, but at least 20 hours per week, receive pro-rated vacation leave. For example, an employee who works 20 hours per week (50% of 40 hours per week) will accrue vacation at 50% of the normal rate (e.g., 40 hours in the first year). Maximum accumulation is also pro-rated accordingly.
- Exceedances of the maximum accumulation amounts will only be allowed on a case-by-case basis with explicit written pre-authorization from the Executive Director. Without such pre-authorization, vacation leave earnings in exceedance of the limits will be lost.

**Table 1: Vacation Leave Accrual**

<table>
<thead>
<tr>
<th>Employment Period</th>
<th>Per Day</th>
<th>Per Month</th>
<th>Per Year</th>
<th>Maximum Accumulation Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>First year</td>
<td>6.67 hours</td>
<td>80 hours</td>
<td>2 work weeks</td>
<td>240 hours, 6 work weeks</td>
</tr>
<tr>
<td>Years 2 – 5</td>
<td>10 hours</td>
<td>120 hours</td>
<td>3 work weeks</td>
<td>240 hours, 6 work weeks</td>
</tr>
<tr>
<td>Years 6 – 10</td>
<td>13.33 hours</td>
<td>160 hours</td>
<td>4 work weeks</td>
<td>240 hours, 6 work weeks</td>
</tr>
<tr>
<td>Years 11 - 14</td>
<td>15 hours</td>
<td>180 hours</td>
<td>4.5 work weeks</td>
<td>240 hours, 6 work weeks</td>
</tr>
<tr>
<td>Starting year 15</td>
<td>16.67 hours</td>
<td>200 hours</td>
<td>5 work weeks</td>
<td>240 hours, 6 work weeks</td>
</tr>
</tbody>
</table>

**Use**
- Vacation leave cannot be used until it has been accrued (i.e., employees cannot go into “paid leave debt”), except with explicit pre-authorization in writing by the Executive Director.

**Status upon departure**
- If an employee leaves employment (voluntarily or involuntarily), the employee will be paid for any unused accumulated vacation leave that has not been lost due to exceedances.
5.0 Floating Holiday Leave

**Eligibility**
- All regular status employees who normally work at least 20 hours per week.

**Accrual**
- There are typically 10 federal holidays each year. EMSWCD treats these days as “floating holiday” leave time.
- Full-time employees will accrue 8 hours of floating holiday leave per federal holiday, thus, 80 hours per fiscal year (regardless of the actual number of federal holidays in any given year).
- Floating holidays will be accrued by full-time staff on the first of each month, on a monthly basis, as per the following schedule:
  - July: 8 hours
  - August: 0 hours
  - September: 8 hours
  - October: 8 hours
  - November: 16 hours
  - December: 8 hours
  - January: 16 hours
  - February: 8 hours
  - March: 8 hours
  - April: 0 hours
  - May: 0 hours
  - June: 0 hours
- Part-time employees’ floating holiday accrual will be pro-rated as per the number of hours they normally work each week.

**Use**
- Employees can use floating holiday leave only after it has been accrued, similar to vacation leave.
- Employees must use floating holiday leave each fiscal year or it is lost.
- Non-exempt/hourly employees may use floating holiday leave as described above, including on the holiday itself.
- Because there are no specific days that are designated as “holidays,” if employees are required to work on a federal holiday or voluntarily work on a federal holiday, there will no compensatory time or overtime pay (see Section 3.2).

**Status upon departure**
- At separation, all unused, accrued floating holiday leave in a fiscal year is paid out.
6.0 Wellness Leave

**Eligibility**
- All employees.

**Accrual**
- Full-time employees earn 8 hours of wellness leave per month (i.e., 96 hours per year).
- Part-time employees earn pro-rated wellness leave based on the number of hours they normally work per week. As per Oregon state law, however, employees must earn at least one hour of wellness leave for every 30 hours worked. As such, this rate shall establish the minimum hours of wellness leave accrual for part-time employees.
- There is no cap on accumulated wellness leave.

**Use**
- Wellness leave may be used by employees when the following non-occupational conditions involve themselves, members of their family, or members of their immediate household:
  - Illness
  - Injury
  - Quarantine based on exposure to contagious disease
  - Dental or health-related appointments
  - Proactive health and welfare therapy
  - Mental health care
- Wellness leave may be used for activities such as appointments, hospital/clinic stays, and at-home care.
- Requests to use Wellness Leave should be submitted as follows:
  - All employees must notify their supervisor or Executive Director as soon as practical when they will be or have been absent due to wellness-related issues.
  - At the request of EMSWCD, documentation from a physician may be required for use of wellness leave in excess of three consecutive days.

**Status upon departure**
- If an employee leaves employment (voluntarily or involuntarily), the employee will not be paid for any unused accumulated wellness leave.

7.0 Donated Leave

**Eligibility**
- A regular status employee (the “recipient”) who normally works at least 20 hours per week is eligible to receive donated leave under the following circumstances:
  - To recover from or seek treatment for a “serious health condition”\(^1\) that is expected to continue after an employee has used all accumulated leave; or
  - To care for or seek treatment for a family member with a serious health condition which is expected to continue after the employee has used all accumulated leave.
- A regular status employee (the “donor”) who normally works at least 20 hours per week may donate accumulated vacation leave, wellness leave, bank time, and/or compensatory time to an eligible employee.

---
\(^1\) For the purposes of this policy, a “serious health condition” requires a reduced work schedule resulting in at least partial day absences in excess of 15 calendar days.
employee for use only as wellness leave for a documented serious health condition as described immediately above.

**Accrual**

- A recipient employee must submit a written request for donated leave to the Executive Director.
  - If an employee is unable to submit a written request, the Executive Director may accept a written request from a family member or other responsible party.
  - The request must include the specific amount of time requested based on the expected need.
  - Upon request by the Executive Director, documentation from an attending physician or practitioner must accompany the request, verifying that a qualifying medical need exists for either the employee or a family member. The documentation must state the estimated amount of time the employee will need away from work; it must also be consistent with the amount of time the employee requests. Medical documentation obtained for other purposes such as Federal Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA) may also be used for the purpose of verifying an employee’s eligibility to receive donated leave.
  - An employee may not request donated leave for short-term or sporadic conditions or illnesses that are common, expected, or anticipated. This includes, but is not limited to, sporadic, short-term recurrences of chronic allergies or conditions, short-term absences due to contagious diseases, or short-term, recurring medical or therapeutic treatments. Each situation must be examined and decided on a case-by-case basis and must be handled consistently and equitably.
  - An employee may not request donated leave when they are eligible to receive or are receiving workers’ compensation and are not on parental leave.
  - Donated leave can impact long- and short-time disability benefits. Before applying for donated leave while receiving disability benefits, employees must consult EMSWCD’s human resources staff for information on how donated leave will impact specific circumstances.
- A donor employee must submit a written request to the Executive Director to donate leave to a recipient employee.
  - The donor’s request must be processed as per EMSWCD’s procedures before the transfer of leave occurs.
  - A donor may not donate time that the employee has lost due to leave accrual limits (e.g., for vacation, holiday, bank time, and compensatory time).
  - An employee may donate leave only in one-hour increments to a recipient.
- Donated hours transfer from the donor’s accrued leave as needed by the recipient. If total leave donated exceeds the total amount of leave accepted, the unaccepted leave shall remain in the donor’s accrued leave balance.
- EMSWCD will credit the recipient at the recipient’s regular rate of pay regardless of the rate of pay of the donor.
- The recipient assumes the tax liability for the value of the donation at the recipient’s rate of pay.
- If the recipient needs more leave than the initial amount of time requested, the employee may submit subsequent requests for donated leave accompanied by updated medical documentation.

**Use**

- EMSWCD shall inform employees that the use of donated leave may offset disability payments.
- The following language must accompany the donated leave request: "I understand that my use of donated leave may offset the receipt of disability payments."
Policy 1.1.8: Time Off / Leave Time

East Multnomah Soil & Water Conservation District

- Donated leave may be received and taken on an as-needed, intermittent basis for the same condition after an employee has met the initial eligibility criteria.
- EMSWCD will consider time taken under this program to be wellness leave with pay.
- EMSWCD will consider time taken under this program to be time worked for purposes of wellness and vacation leave accrual.
- EMSWCD shall maintain the following documentation in a confidential medical file for each request for donated leave for a period of four years from the date of the request:
  - Employee’s request to receive donated leave with supporting medical documentation;
  - Executive Director’s (or designee’s) approval or denial of request for donated leave;
  - The donor’s authorization to donate leave with appropriate signatures, including the appointing authority or designee, payroll staff, and number of hours donated; and
  - Record of total leave accepted by receiving employee.

Status upon departure
- If a recipient employee leaves employment (voluntarily or involuntarily), all unused donated leave will return to the donor employees.

8.0 Medical/Parental Leave, Supplementary Medical/Parental Leave, Paid Domestic Leave

Eligibility
- Regular status employees who normally work at least 20 hours per week and who have worked at EMSWCD for at least six months are eligible to receive medical/parental leave, supplemental medical/parental leave, and paid domestic leave.
- Employees who work less than 20 hours per week and/or have not worked at EMSWCD for at least six months and/or who are temporary/seasonal employees are not eligible for medical/parental leave, supplemental medical/parental leave, and paid domestic leave.

Accrual
- Regular status, fulltime employees will be provided up to 24 weeks of time off (per any consecutive 12-month period) without pay for each occurrence for employee health issues and/or care for an employee’s family member with serious health issues and/or for the birth or adoption of a child, hereafter referred to as medical/parental leave.
- The amount of time off with or without pay for medical/parental leave for regular status, part-time employees shall be prorated according to their normal work hours (e.g., a 20-hour per week employee is a 50% FTE and thus shall have 50% of the time off available to them).
- Under exceptional circumstances, such as a child or family member with serious health issues, EMSWCD may grant time off without pay in addition to the medical/parental leave allowances described above, hereafter referred to as supplemental medical/parental leave.
- After one-year of employment with EMSWCD, regular status, fulltime employees may be provided up to three weeks of paid leave off (per any consecutive 12-month period) following the birth or adoption of a child or during the serious illness of the employee, the employee’s spouse, partner, or family member, hereafter referred to as paid domestic leave.

2 Approved by the EMSWCD Board of Directors on June 1, 2015.
3 This is not restricted to the primary caretaker.
Use

- Qualifying reasons for taking medical/parental leave at EMSWCD will include, but are not limited to, all qualifying reasons under the Oregon Family Leave Act (OFLA).
- Acceptability of non-OFLA reasons for taking medical/parental leave will be decided on a case-by-case basis by the employee’s supervisor and Executive Director.
- Use of concurrent paid time off:
  - An employee may elect to use accrued paid leave in concurrence with medical/parental leave and/or supplemental medical/parental leave.
  - Accrued paid leave may include wellness leave, vacation leave, holiday leave, compensatory time, and bank time.
  - Under these circumstances, accrued paid leave is expended concurrently with medical/parental leave and/or supplemental medical/parental leave and will not result in extending the total time off from work.
- Part-time work options: EMSWCD may, at its discretion, allow regular, fulltime employees to work part-time (at least 20 hours per week) as follows:
  - Up to 32 weeks in lieu of taking any medical/parental leave; or
  - In conjunction with (i.e., interspersed throughout) medical/parental leave for a total combined (part-time work and time off during medical/parental leave) period that does not exceed 32 weeks; and/or
  - Up to 8 weeks prior to and/or after taking medical/parental leave for a total combined (part-time work and time off during medical/parental leave) period that does not exceed 32 weeks.
- Requests for medical/parental leave, supplemental medical/parental leave, and paid domestic leave must be in writing and approved by the Executive Director.
  - Requests should be accompanied by a plan that, at a minimum, describes when and how much of paid and unpaid leave will be used and how work objectives will be accomplished in the employee’s absence.
  - Substantiation documentation may be required to accompany requests.

Status upon departure
- All rights to any medical/parental leave, supplemental medical/parental leave, and paid domestic leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

9.0 Bereavement Leave

Eligibility
- Regular status employees who normally work at least 20 hours per week.

Accrual
- Under normal circumstances, fulltime employees will be granted three days of paid bereavement leave upon the death of a member of an employee’s family or household (as determined by the employee).
- Part-time employees’ bereavement leave will be prorated according to the normal number of hours worked per week.

Use
- Requests for paid bereavement leave should be submitted as soon as possible and will be decided by the Executive Director on an individual basis.
• If staff believe they need additional time, they may use any combination of accrued paid leave (vacation, wellness, floating holiday, time bank, and compensatory time) and/or request paid domestic leave (see Section 8.0).

**Status upon departure**
• All rights to bereavement leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

### 10.0 Mandatory Leaves

**Eligibility**
• All employees will receive mandatory leaves as required by law.

**Accrual/Use**
• See Sections 10.1 – 10.8.

**Status upon departure**
• All rights to mandatory leaves are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

#### 10.1 Bone Marrow Leave

In accordance with Oregon Revised Statute 695A.312, employees who work on average 20 or more hours per week shall be allowed to take accrued paid leave to donate bone marrow. Employees should submit a request for such leave to their supervisor as early as practical.

#### 10.2 Court/Jury Duty Leave

Prior notice of court/jury duty must be provided to the supervisor. Upon presentation of subpoena or letter, qualifying employees shall be granted leave with full pay any time they are required to report for court/jury duty. If an employee is excused or dismissed prior to the end of the employee’s regular work shift, the employee shall report back to work if more than half of the work day remains. If EMSWCD work activities warrant, the Executive Director will support the employee in requesting a postponement of jury service. Employees should not accept stipends or mileage reimbursement from the court’s administrative body.

#### 10.3 Crime Victims’ Leave

If an eligible employee or a member of the employee’s immediate family or household suffers financial, social, psychological, or physical harm as a result of a personal felony, the employee may take protected leave from work to attend criminal proceedings. The amount and length of leave time the employee may take is limited to that which does not create significant difficulty and expense (undue hardship) to EMSWCD. If EMSWCD must limit the leave due to undue hardship, EMSWCD must notify the prosecuting attorney in the criminal proceeding, who is required by law to notify the court. The court should then take the employee’s work schedule into consideration when scheduling the criminal proceedings. The employee must provide the supervisor with reasonable notice of their intention to take crime victims’ leave and provide copies of any notices of scheduled criminal proceedings received from a law enforcement agency. EMSWCD will treat such documentation as confidential information. Crime victims’ leave is unpaid; however eligible employees may choose to use accrued paid leave (vacation, holiday, wellness, compensatory, or bank time) available to them concurrently with crime victim’s leave. Benefits are not affected by crime victims’ leave.

---

4 [https://www.oregonlaws.org/ors/659A.312](https://www.oregonlaws.org/ors/659A.312)
10.4 Domestic Violence Leave
Eligible employees may take reasonable unpaid leave to obtain services or treatment relating to domestic violence, sexual assault, or stalking. EMSWCD may limit the amount of leave taken to the extent it causes an undue hardship to EMSWCD. Eligible employees may choose to use accrued paid leave (vacation, holiday, wellness, compensatory, or bank time) available to them concurrently with domestic violence leave.

10.5 Military Leave
Full time employees will receive payment for the first 30 days of military leave. Part-time employees will receive a prorated time period of military leave. Prior approval for military leave must be requested from the Executive Director. Accrued paid leave (vacation, holiday, wellness, compensatory, or bank time), for time extending beyond the first 30 days for fulltime employees (a prorated time period for part-time employees), may be debited for military leave at the request of the employee.

10.6 Disability Leave
EMSWCD provides reasonable accommodation for individuals with disabilities, as long as that accommodation does not create an undue hardship for EMSWCD. Such accommodation may include a leave of absence (i.e., disability leave) to receive treatment for the disability. Eligible employees must submit a written request to the Executive Director for disability leave prior to taking time off. Upon medical verification, disability leave up to 24 weeks for fulltime employees (a prorated amount for part-time employees) may be provided. Disability leave without pay may be requested beyond this time if needed.

10.7 Leave for On-the-Job Injuries
Eligible employees who are injured on the job and, as a result, are required to take time off work, have some reinstatement rights, depending on the nature of their medical release. The reinstatement rights can last up to three years from the date of injury. Returning injured workers have seven calendar days (from the date they are informed by their insurance carrier) to notify EMSWCD that their attending physician has released them for employment.

10.8 FMLA Leave
All "public employers/agencies" (including special districts as subdivisions of state government), without regard to the number of employees they have, are covered by the Federal Family and Medical Leave Act (FMLA). As such, EMSWCD must post the FMLA/DOL rights poster. (29 CFR 825.104) However, not all public employees are eligible for FMLA. Each public employee must: 1) Work at a worksite that employs 50+ employees within a 75-mile radius; 2) Have worked at least 1,250 hours in the 12 months prior to commencement of the leave; and 3) Have been employed at least 12 months for a single covered employer. Because EMSWCD has no employees that meet these criteria, it does not have to provide leave under FMLA. EMSWCD does, however, provide medical/parental leave, supplemental medical leave, and paid domestic leave as described in Section 8.0 of this policy.
11.0 Emergency Closure Leave

Eligibility
- All employees.

Accrual/Use
- See Sections 11.1 – 11.2.

Status upon departure
- All rights to emergency closure leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

11.1 Inclement Weather
During inclement weather, if Multnomah County offices are closed, then the EMSWCD office shall also be closed. Similarly, for late starts, if Multnomah County offices open later than normal due to inclement weather, the EMSWCD shall not open until the county offices open. Since EMSWCD staff work varying shifts, the late start possibility may affect individual staff differently. If, for example, Multnomah County offices don’t open until 9:00 AM and staff A was scheduled to start that day at 6:00 AM while staff B was scheduled to start that day at 9:00 AM, staff A would receive 3 hours off for the day while staff B would not receive any hours off that day. It will be important to monitor the situation closely and confer with supervisors if there are questions.

When the EMSCD office is closed or has a late start under the above conditions, employees will receive regular wages and should indicate “administrative leave” on their timesheets. When the office is not closed during inclement weather periods, employees are encouraged to use public transportation when dangerous driving conditions exist. Leave without pay will be granted if an employee believes they cannot safely report to work due to inclement weather. With explicit, case-by-case permission of their supervisor, employees may also work from home in such conditions.
Alteration of future work schedules to make up lost time shall also be permitted. Employees, with permission from supervisors, may also opt to take accrued paid leave (vacation, floating holiday, compensatory, or bank time) to cover the time missed.

11.2 Natural Disasters, Attacks, Quarantines
In the event of a catastrophic occurrence, the safety of staff and board members is of paramount importance. Leave will be granted (with or without pay at the Executive Director’s discretion) and/or alternate work locations will be arranged if an employee is unable to report to duty or if doing so is unsafe or ill-advised. For example, in the event of a local avian flu outbreak, EMSWCD will follow the recommendations of local officials to minimize risk of contagion (e.g., meet by phone or work from home). Any questions regarding expectations in such a situation should be directed to the Executive Director, who will consult with the board as appropriate and feasible.
12.0 Sabbatical Leave

Eligibility
- Regular status, fulltime employees with at least five years of fulltime employment at EMSWCD who have received at least an overall annual performance rating of “good” or better for at least three consecutive years immediately prior to the requested sabbatical leave.
- No more than two employees can be on sabbatical leave at any given time.

Accrual
- Eligible employees may request unpaid sabbatical leave for a period of up to 12 months.
- Additional unpaid sabbatical leave requests for up to 12 months may be made by eligible employees every five years after each completed sabbatical leave.

Use
- Eligible employees must submit a written request for sabbatical leave to the supervisor and Executive Director as far in advance as possible.
- Sabbatical leave requests must include, at a minimum:
  - The reason for the sabbatical leave;
  - The dates of departure and return;
  - Indication of whether the employee will seek or has attained external employment during the sabbatical leave;
  - If and when a combination of leave without pay and with accrued paid leave (vacation, holiday, compensatory, or bank time) will be used; and
  - A Sabbatical Plan that addresses the critical needs of EMSWCD during the employee’s absence.
- Sabbatical leave will usually be authorized for a special circumstance or pursuit. Approving and granting sabbatical leave is at the discretion of the Executive Director. Due to work load allocation issues, under ideal circumstances only one staff per four-person programmatic unit will take sabbatical leave at any given time. As such, requests will be reviewed and approved on a first-come, first-serve basis. When evaluating requests for sabbatical leave from the same programmatic unit that are submitted in the same week for an over-lapping period of time, the Executive Director will evaluate requests based on the following:
  - Number of sabbatical leaves previously taken (the fewer taken, the more likely to be approved);
  - Length of time since most previous sabbatical leave (the longer the time, the more likely to be approved);
  - Length of service at EMSWCD (the longer service, the more likely to be approved);
  - Quality of the aforementioned sabbatical plan and related financial cost and programmatic impact to EMSWCD (higher quality is more likely to be approved);
  - Direct benefits to EMSWCD as a result of a professional or social pursuit (the more benefit, the more likely to be approved);
  - Benefits to conservation in general as a result of a professional or social pursuit (the more benefit, the more likely to be approved); and
  - Benefits to society as a result of a professional or social pursuit (the more benefit, the more likely to be approved).
- When approved, sabbatical leave will officially start on the first regular workday following the last day worked for EMSWCD.
- While on sabbatical leave, the employee is required to check in with the supervisor on a monthly basis to inform the supervisor of the employee’s status and to notify the supervisor of any change in...
the employee’s contact information. If this will not possible, prior alternative “check-in” arrangements must be made.

- Insurance coverage will be maintained for the employee while on sabbatical leave for the months that the employee is able to intersperse on average at least 20 hours per week of accrued paid leave.
- Insurance coverage will not be maintained for the employee while on unpaid sabbatical leave during months that the employee intersperses on average less than 20 hours per week of accrued paid leave. The employee may continue insurance coverage by paying the full premium by the first of each month.
- Sabbatical leave shall protect the length of service and returning benefit rights of employees. Benefits, however, do not accrue during unpaid sabbatical leave, but are retained at the same level.
- EMSWCD will make all reasonable attempts to arrange the same or similar employment for individuals returning from sabbatical leave, but no guarantees can be made similar to all Oregon employees who work at-will.
- If the employee does not return within five days of the stated return date and no extension has been approved, EMSWCD will assume the employee has resigned and shall terminate the employee’s employment.

**Status upon departure**

- All rights to sabbatical leave are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

### 13.0 Other Leave without Pay

**Eligibility**

- Regular status employees who normally work at least 20 hours per week.

**Accrual/Use**

- On rare occasions, eligible employees may request leave without pay for reasons such as adding time to take vacation for which they have not accumulated the hours or take a short leave of absence for personal reasons.
- Other leave without pay will generally not exceed 40 hours in any 12-month period.

**Status upon departure**

- All rights to other leave without pay are lost when an employee leaves employment (voluntarily or involuntarily) with EMSWCD.

### 14.0 Unapproved Leave

Any employee who takes unapproved leave for more than five consecutive work days shall be deemed to have resigned from employment with EMSWCD.
Policy 1.1.10: Open Door, Grievances, and Whistle Blowing

East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: ________________

Policy revised and approved by EMSWCD Board of Directors on: ________________

In this Policy

1.0 Open Door ............................................................................................................................................... 1
2.0 Grievances............................................................................................................................................... 1
3.0 Whistleblowing ....................................................................................................................................... 2
    3.1 Reporting............................................................................................................................................. 2
    3.2 False Reporting ................................................................................................................................... 2
    3.3 Example of Illegal or Dishonest Activities ........................................................................................... 2
    3.4 Protections .......................................................................................................................................... 2
    3.5 Investigation........................................................................................................................................ 2

1.0 Open Door
It is the intent of the East Multnomah Soil and Water Conservation District (EMSWCD) Board of Directors and the Executive Director that the EMSWCD organizational culture is creative, collaborative, and adaptive. If employees see something that can be improved, they should not hesitate to make helpful suggestions to their supervisor or the Executive Director. Likewise, if employees have questions, they should not hesitate to seek answers from their supervisor or the Executive Director. EMSWCD attempts to assemble and maintain a team of employees who are unique (i.e., from diverse backgrounds, with a variety of expertises, and with a variety professional strengths) because employee diversity makes for a stronger, more resilient, and more effective organization. But this diversity is only fully appreciated if employees contribute their input in a positive and timely manner. EMSWCD wants to have the full benefit of every employee’s particular knowledge, skills, and views of the world.

2.0 Grievances
If an employee feels that they are not being treated fairly by anyone within the organization, have been discriminated against or that their rights have been violated, or have other concerns regarding their treatment as an employee, they should bring their grievance to a supervisor, the Executive Director, or the Personnel Committee/member (or other Board members) as soon as practical. If employees have been, or are being, harassed in any way by their supervisor, the Executive Director, a colleague, or a partner or contractor, and/or if they have previously reported harassment and do not feel the matter was adequately addressed, they should inform the Personnel Committee (or committee member). In addition, if employees feel that management is not adequately addressing a safety concern, they should inform the Personnel Committee (or committee member).

All grievances will be thoroughly investigated and appropriate actions will be taken. Employees should note that, depending on the concern, anonymity may not be possible in order to resolve the problem.
3.0 Whistleblowing
The procedures below are provided specifically for employees who become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.²

3.1 Reporting
EMSWCD encourages any employee with knowledge of or concern of an illegal, dishonest, or fraudulent EMSWCD activity to report it to a supervisor, the Executive Director, or the Personnel Committee (or committee member or other board member). The employee may also provide the information to another SWCD manager, a state or federal regulatory agency, a law enforcement agency, or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by EMSWCD may report violations of law to the Attorney General, subject to rules of professional conduct.

3.2 False Reporting
When reporting suspected illegal, dishonest, and/or fraudulent activities, employees must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.

3.3 Example of Illegal or Dishonest Activities
Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

3.4 Protections
Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible.

EMSWCD will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments, or threats of physical harm.

Any whistleblower who believes they are being retaliated against should contact a supervisor, the Executive Director, or the Personnel Committee (or committee member or other board member) immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

3.5 Investigation
All reports of illegal, dishonest, and fraudulent activities will be investigated in a timely manner to determine fault and institute any appropriate corrective measures by the Executive Director or designee who is responsible for investigating and coordinating corrective action.

---

² House Bill 4067 was passed to protect employees who act on good faith and reasonable belief to report a violation of federal, state, or local law, rule, or regulation by their employer. Beginning January 1, 2017, all public and nonprofit employers must establish and implement a whistleblower policy. The policy must delineate all rights and remedies provided to employees and employers will need to deliver a written or electronic copy of the policy to each employee.
Policy 1.1.11: Workplace Safety
East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: ________________

Policy revised and approved by EMSWCD Board of Directors on: ________________

In this Policy

1.0 Introduction ............................................................................................................................................ 2
2.0 Employer Notification of Special Health Issues ...................................................................................... 2
3.0 Incident Response and Reporting ........................................................................................................... 2
  3.1 Workers’ Compensation ..................................................................................................................... 3
  3.2 Return-to-Work................................................................................................................................... 3
4.0 Workplace Violence ................................................................................................................................ 3
  4.1 What is Workplace Violence? .............................................................................................................. 4
  4.2 Proactive Measures............................................................................................................................. 4
  4.3 Employee, Board Member, and others’ Responsibilities.................................................................... 5
  4.4 EMSWCD Responsibility...................................................................................................................... 5
  4.5 False Reporting ................................................................................................................................... 5
  4.6 Retaliation........................................................................................................................................... 5
  4.7 Use of Force ........................................................................................................................................ 6
5.0 Office Environment ................................................................................................................................. 6
  5.1 Office Security..................................................................................................................................... 6
  5.2 First Aid Kits ........................................................................................................................................ 6
  5.3 Special Conditions ............................................................................................................................... 6
    5.3.1 Hazard Assessment ...................................................................................................................... 6
    5.3.2 Space Heaters and Other Potentially Hazardous Devices........................................................... 7
    5.3.3 Confined Spaces ........................................................................................................................... 7
6.0 Outside Office/Field Work ...................................................................................................................... 7
  6.1 Specialized Training ............................................................................................................................. 7
  6.2 Equipment and Supplies ..................................................................................................................... 7
    6.2.1 First Aid Kits ................................................................................................................................. 7
    6.2.2 Cell Phones ................................................................................................................................... 7
    6.2.3 Personal Protective Equipment ................................................................................................... 8
    6.4 Hearing Conservation ...................................................................................................................... 9
  6.3 Special Conditions ............................................................................................................................. 10
    6.3.1 Hazard Assessment .................................................................................................................... 10
    6.3.2 Confined Spaces .......................................................................................................................... 10
7.0 Volunteer Safety ................................................................................................................................... 10
8.0 Reporting Child Abuse and Neglect ...................................................................................................... 10
9.0 Training ................................................................................................................................................. 11
1.0 Introduction
This policy addresses safety expectations and procedures in the workplace for employees and non-employees alike. A closely related policy that addresses response procedures in case of emergencies, the *Emergency Action Plan*, can be found in Policy 1.1.12

The safety and security of employees, board members, customers, and visitors are EMSWCD’s most important priorities. The Board and Executive Director will establish and insist upon safe methods and practices at all times, as well as to provide a safe work place, safe equipment, proper materials, and adequate employee training. All employees are expected to perform their duties in a safe and responsible manner. Employees are expected to successfully complete required safety training, use any safety equipment provided, observe rules of safety, and use common sense when using equipment and/or operating under potentially hazardous conditions to carry out work responsibilities. EMSWCD job descriptions and/or work plans will inform employees about working conditions and required training associated with each position.

2.0 Employer Notification of Special Health Issues
The following is voluntary on behalf of employees: If employees have health-related conditions and/or take medications that might influence the delivery of emergency care, employees are encouraged, but not required, to record this information in their confidential personnel files. Employees are also encouraged to let their supervisor, field colleagues, and Executive Director know in case an emergency occurs and the personnel files are not immediately available.

3.0 Incident Response and Reporting
When employees observe or experience unsafe conditions, inadequate safety equipment, unsafe practices, and other safety concerns (such as a “near-miss” situation in which an injury could have occurred but did not), they are expected to:

- Correct (i.e., make safe) the situation if it can be done without creating additional unsafe conditions or putting the employee at risk;
- Close off the affected area or cease the activity if “correcting” the situation is not immediately feasible;
- Alert all other employees that may be affected by the situation by the most expedient and practical means possible (i.e., email, marking as high importance; in-person; telephone; and/or signage);
- Alert a Safety Team member, supervisor, or the Executive Director at the earliest possible and practical opportunity; and
- Record the situation in writing and submit the documentation to their supervisor.

In addition to the above, any employee who experiences an actual accident or injury while on the job should also:

- Consider seeking medical attention immediately. In some cases (i.e., when there is a major injury), the need to seek medical attention will be obvious. In other cases, however, when the injury is minor or not immediately obvious, some employees may prefer to minimize the situation and not seek medical attention. Under these latter circumstances, EMSWCD highly
encourages employees to seek medical attention to ensure there are no immediate medical concerns and to document the incident.

- After seeking medical attention or after determining medical attention is not needed, employees are required to report the incident (by completing an Employee Incident Report; available from the Office Manager) to their supervisor. Reporting should be completed within 24 hours of the incident if at all possible. The report must be completed even if the employee did not seek, and/or does not plan to seek, medical attention. If medical attention is sought, employees must also complete a Workers’ Compensation Claim Form 801 (which can also be obtained from the Office Manager).
- Upon notification, the supervisor shall take prompt and appropriate action, which may include assisting the employee and/or rectifying the issue.
- If not already done, the supervisor shall also report the situation to the Safety Team and Office Manager at the earliest possible convenience.
- The Office Manager will forward the completed 801 Forms to SDAO for processing.
- Any serious and/or unresolved safety concerns should be brought to the attention of the Personnel Committee or Board of Directors at the next possible opportunity.

3.1 Workers’ Compensation
State law provides for compensation in the event employees suffer a work-related injury or occupational illness, as defined by the workers’ compensation law. Medical fees and weekly loss of time benefits are paid as provided in the state workers’ compensation law. The workers compensation insurance premium cost is paid by EMSWCD. Additional details regarding these benefits are available from the Office Manager.

3.2 Return-to-Work
EMSWCD wants to facilitate employees returning to work as early as possible after on-the-job-injuries have occurred. If necessary, supervisors, injured employees, their treating physicians, and the workers’ compensation insurance carrier will work together to plan for employees to return to productive work as soon as medical condition permits. If an employee is injured on the job and the treating physician determines that the employee is able to perform modified work, EMSWCD will attempt to provide the modified work scenario until the employee is able to resume regular duties, except where provided as an accommodation for a disability. All modified work will be considered temporary. If employees are offered a modified position that has been medically approved, failure to report to work at the designated time may affect time loss compensation.

4.0 Workplace Violence
All employees are responsible for preventing violence in the workplace. If any employee, board member, visitor, patron, or member of the general public engages in threatening, violent, or dangerous words or actions, employees should notify law enforcement immediately and take necessary steps to ensure their own safety and the safety of those around them.

Threats and acts of violence against employees, board members, patrons, visitors, guests, or other individuals by anyone in or on EMSWCD facilities or vehicles is strictly prohibited at all times and will not
be tolerated. Violations of this policy by an employee or non-employee may lead to sanctions that include employment dismissal, exclusion, and/or criminal prosecution.

4.1 What is Workplace Violence?

*Workplace violence* includes any act of physical, verbal, or written threatening, violent, or dangerous behavior that is job-related or is connected to EMSWCD employment or has the potential of being carried out on or in an EMSWCD facility or vehicle. Workplace violence focuses primarily on conflicts that arise in conjunction with employment or personal relationships. However, it also includes external threats, violence, or dangerous behavior from strangers that do not have a professional or personal relationship with EMSWCD employees or customers, but may be carried out on EMSWCD premises or vehicles.

Workplace violence may include, but is not limited to:

- **Acts**: Physical, verbal, or written threatening, violent, or dangerous behavior.
- **Assault**: Causing physical injury to another person. (ORS 163.160 – 163.185)
- **Criminal mischief**: Use or alteration of EMSWCD’s property in a manner that relates to the definition of workplace violence.
- **Harassment**: Offensive physical contact or provoking another to a violent response through words or gestures. (ORS 166.065)
- **Intimidation**: Offenses of criminal mischief, harassment, menacing, or assault when the intent is to intimidate the victim by reason of their race, color, religion, sexual orientation, disability, national origin, age, or other protected status. (ORS 166.155 – 166.165)
- **Menacing**: Intentional use of words or conduct that places a person in fear of imminent serious physical injury. (ORS 163.190)
- **Threats**: An expression of intent to commit violence that places the listener in fear of imminent bodily harm, or is of such a character that a reasonable person could be placed in fear of imminent bodily harm upon perceiving the expression of intent.

4.2 Proactive Measures

EMSWCD’s policy is to be proactive and to develop and employ measures designed to counteract threats and acts of violence. These measures may include, but are not limited to:

- **Controlled access**: Exterior doors and headquarters office doors have operational locks. A security system for the headquarters is present and shall be on during non-business hours. During business hours the back door shall be locked and the front door shall be open only when the Office Manager or appropriate alternate is present.
- **Reception desk (or any person)**: If confronted with a potentially dangerous situation with a visitor, employees shall alert all workers in the building (by the most practical means available) to come to her/his aid and alert authorities if appropriate.
- **Careful employee selection**: EMSWCD shall conduct background checks prior to making employment decisions consistent with legal restrictions.
- **Cell phone**: All staff working outside the office shall carry cellular phones.
- **Incident reports**: Employees shall report potential dangers as well as incidents after-the-fact. Beyond compiling data, the reports shall be used for preventative action and follow-up on hazardous incidents.
4.3 Employee, Board Member, and others’ Responsibilities
It is the responsibility of all employees, board members, volunteers, and other agents of EMSWCD to:

- Create and maintain a work environment free of workplace violence.
- Summon an immediate response to an emergency situation by promptly dialing 9-911 from a desk phone (or 911 from a cell phone) and provide relevant information.
- Defuse workplace violence (if possible, practical, and safe to do so), i.e., an initial response may be the removal of the individual from the premises.
- Notify their immediate supervisor of any act of physical, verbal, or written threatening, violent, or dangerous behavior that they have witnessed, have received, or have been told that another person has witnessed or received. Employees shall make this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

4.4 EMSWCD Responsibility
EMSWCD supervisors, Executive Director, and board members shall:

- Take the report of a physical, verbal, or written threatening, violent, or dangerous behavior seriously by documenting the information and taking immediate necessary steps to prevent or reduce the impact of the act.
- Consider reporting situations to law enforcement for follow-up. Law enforcement may assume the lead role to neutralize situations. This policy is not intended to dictate the tactics and procedures established by law enforcement to manage workplace violence situations.
- Facilitate employees’ reporting of workplace violence crimes to law enforcement (EMSWCD encourages employees who are victims of workplace violence to report the crime to law enforcement).
- Consider additional responses, which may include, but are not limited to, disciplinary action up to and including termination of employment, exclusion from facilities, criminal prosecution of the person or person involved, and suspension or termination of any business relationship.

4.5 False Reporting
Due to the significance of workplace violence, allegations are taken seriously. As deemed appropriate by EMSWCD, erroneous information pertinent to the allegations will be disclosed to the parties involved. Intentional reporting of known false information by an employee regarding workplace violence could lead to disciplinary action up to and including termination.

4.6 Retaliation
Any intimidation, coercion, discrimination, or retaliation against an individual who reports an act of workplace violence or who testifies, assists, or participates in any manner in an investigation will not be tolerated. Should an act of retaliation be confirmed, the employee who is retaliating against another person shall be subject to discipline, up to and including termination.
Policy 1.1.11: Workplace Safety
East Multnomah Soil & Water Conservation District

4.7 Use of Force
While EMSWCD employees are strongly discouraged from becoming physically engaged in any altercation, in some cases an employee may be justified in using physical force to defend against an assault. As written immediately below, the Criminal Code of Oregon (ORS 161.205) gives an individual the right to use physical force for self-defense (among other things).

The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

- A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical self-injury may use physical force upon that person to the extent that the person reasonable believes it necessary to thwart the result.
- A person may use physical force upon another person in self-defense or in defending a third person, in defending property, in making an arrest or in preventing an escape, as hereafter prescribed in chapter 743, Oregon Laws 1971. [1971 c.743 s.21; 1981 c.246 s.1]

Given the above, employees using physical force for self-defense may use only the force that is reasonably necessary to defend themselves or another person. An employee involved in any incident involving physical force must immediately contact a supervisor on duty and/or Executive Director and submit an incident report. Unwarranted or excessive physical force by an employee may result in disciplinary action up to and including termination and/or criminal charges being filed.

5.0 Office Environment
Many employees spend a majority of their time working within the office. Certain office conditions should be understood and respected in terms of workplace safety.

5.1 Office Security
All employees are responsible for maintaining the security of the office building and all employees must familiarize themselves with the Security System Procedures (see Policy 1.4.2). Each regular employee will receive a building key and an individualized security code. Employees shall not copy office keys and shall not loan office keys or give the office security code to anyone. If employees lose office keys or think someone has obtained their office security code, the should immediately notify their supervisor.

5.2 First Aid Kits
First aid kits are available in the office supply room, break room, the bike locker, and the emergency provisions shed located by the parking area. First aid kits will be inspected quarterly by a member of the Safety Team.

5.3 Special Conditions
5.3.1 Hazard Assessment
An office hazard assessment shall be conducted quarterly at the main EMSWCD office by the Safety Team. Any identified hazards shall be remedied as soon as possible. Hazards may include, but are not limited to, frayed extension cords, unstable work surfaces, inappropriate amounts of office clutter, and dangerous computer station setup. Employees shall be provided with ergonomic work stations as requested and as allowed by budgetary constraints.
5.3.2 Space Heaters and Other Potentially Hazardous Devices
Space heaters may only be used with supervisor permission. Only space heaters approved by EMSWCD are allowed to be used in EMSWCD buildings. Before an employee uses a space heater, that employee must read the device’s safety manual and review the safety information in the manual. Care must be taken by employees to make sure space heaters are used in an area free of clutter and flammable materials. Space heaters must be unplugged at all times when not in use. If a space heater is found to be left on repeatedly, an employee may lose their privileges to use a space heater.

Any other potentially hazardous devices brought into EMSWCD buildings that could cause fire and/or damage to the building such as appliances, hot plates, other heat producing devices, containers or vessels holding large amounts of liquid, must also be approved by a supervisor before use.

5.3.3 Confined Spaces
No confined spaces (as defined by regulation) are present at EMSWCD headquarters. If uncertain, employees are not to enter spaces suspected as being “confined” and thus dangerous.

6.0 Outside Office/Field Work
Several EMSWCD employees spend a considerable amount of time working outside the office, which may or may not include undertaking field work. In either case, employees should take special care to ensure their safety and the safety of others. Field staff who perform on-site conservation visits, restoration project work, and other field work are expected daily to inform the office of their whereabouts in writing, via outlook calendar, or over the telephone, including landowner names and property locations to be visited that day. As a general practice, staff working in the field will either be accompanied by another staff, a crew member, or the landowner/land manager.

6.1 Specialized Training
Only employees briefed/trained on safety and specifically authorized by their supervisor to do so may access equipment such as a grinder, machete, chainsaw, bulldozer, tractor, farm implement, herbicides, and related items. Other employees should stay clear of areas where these items are stored.

6.2 Equipment and Supplies
6.2.1 First Aid Kits
EMSWCD will provide individual first aid kits for field employees to carry in their vehicles or on their person.

6.2.2 Cell Phones
EMSWCD will ensure all employees who perform field work or who attend off site evening or weekend meetings carry a cellular telephone (whether personal or EMSWCD-owned). Employees are expected to have the cell phone turned on during work activities and while in transit to/from work sites. Employees shall not use a cell phone while driving a vehicle.
6.2.3 Personal Protective Equipment

EMSWCD will provide the following personal protective equipment (PPE) and safety equipment for on-site conservation visits and other field work. Field staff should talk with their supervisor about how to access these items. PPE required for common field tasks are listed by task below though PPE listed can be accessed and used for tasks other than those listed. Some items on this list are to be purchased and provided by the employee. These items are marked with an asterisk (*) below. Field staff should talk with their supervisor about any necessary PPE and safety equipment not listed below.

**Chainsaw Operation:**
- Approved chainsaw chaps
- Hardhat
- Ear protection
- Eye protection
- Heavy duty, leather gloves
- Long pants*
- Long sleeved shirt*
- Closed toed shoes*

**String Trimmer Operation:**
- Approved chainsaw chaps, if using metal or plastic cutting blades
- Hardhat, if there is danger of head injuries on the site
- Ear protection
- Eye protection
- Heavy duty, leather gloves
- Long pants*
- Long sleeved shirt*
- Closed toed shoes*

**Grinder Operation:**
- Ear protection
- Eye protection

**Chemical Mixing and Applications:**
- Read the chemical label and follow PPE requirements listed on the label. These requirements typically include:
  - Eye protection
  - Impermeable exam-type gloves
  - Long pants*
  - Long sleeved shirt*
  - Closed toed shoes*
- A particle mask is available upon request

**Boating (including motorboats, rafting, and kayaking):**
- Properly fitted personal flotation device
- Helmet, if encountering whitewater
Shovel, Machete, Pulaski, and Other Hand Held Cutting Tool Use:
- Appropriate work gloves
- Long pants*
- Closed toed shoes*

Epinephrine Pens:
- Staff who have a known allergy are required to carry an epinephrine pen in the field. These are only available by prescription. For staff who need an epinephrine pen, EMSWCD will reimburse staff for the cost of the co-pay associated with the doctor visit to acquire one and for the out of pocket cost of the prescription.

Safety Kits:
EMSWCD will also provide safety kits to be carried in vehicles operated by staff while conducting EMSWCD business. The vehicle safety kits will be stored in state owned vehicles and should not be removed from the vehicles. A floater kit will also be available for employees who use their own vehicles. Employees who would like to use one of the kits while using their own vehicles to conduct EMSWCD business should talk with their supervisor about how to access them. The contents of the vehicle safety kits are listed below. If any items are removed from the kits, employees should inform the Safety Team promptly so the items can be replaced.
- First aid kit
- Fire extinguisher
- Flare(s)
- Eye protection
- Ear protection
- Leather work gloves (size small and size large)
- Flashlight (with the batteries reversed)
- Pocket mask for performing emergency breathing
- Body fluid cleanup kit
- Eye wash
- Emergency blanket

6.4 Hearing Conservation
EMSWCD currently has three task environments where employees are exposed to noise levels that could potentially damage hearing over time. These are:
- Proximity to chainsaws:
- Operation of bulldozer: and
- Operation of tractor.

Relevant supervisors and employees are responsible for evaluating the above situations for noise levels sufficient to endanger hearing. Relevant supervisors and employees will re-test equipment when changes occur or the work environment changes in a way that could be expected to increase noise exposure. A noise dosiometer will be used to determine if cumulative levels exceed 8-hour time-weighted average of 85 dBA. If these conditions are found, supervisors will require hearing protection and will seek engineering solutions. These solutions may include replacing or modifying equipment, increasing the distance between the source of the noise and the employee or other similar measures. If engineering measures are not sufficient to reduce exposure below 8-hour time-weighted average of 85
Policy 1.1.11: Workplace Safety

East Multnomah Soil & Water Conservation District

[Approval Date]

dBA, supervisors will require protective equipment and a schedule of exposure times may be instituted and, if instituted, must be followed. In addition, all employees exposed to sound above this level will be required to receive an annual hearing evaluation at EMSWCD expense to ensure that exposure is not eroding hearing.

6.3 Special Conditions

6.3.1 Hazard Assessment
Employees who conduct field activities, workshops, or facilitate meetings are expected to tour the site or facility, note in writing any hazards present, and inform the facility or land manager of any remedies needed. Employees who work at home are asked to assess the hazards that might be present and to remedy them. These may include, but are not limited to, frayed extension cords, unstable work surfaces, inappropriate office clutter, and dangerous computer station setup. Employees are encouraged to consider office ergonomics and to acquire adjustable chairs and keyboard trays at their own expense.

6.3.2 Confined Spaces
If confined spaces are encountered offsite, EMSWCD employees and volunteers are not to enter them. Confined spaces have at least three of the following characteristics:

- Contains or has the potential to contain a hazardous atmosphere;
- Contains a material that has the potential for engulfing the entrant;
- Has an internal configuration that might cause an entrant to be trapped or asphyxiated by inwardly converging walls or by a floor that slopes downward and tapers to a smaller cross section; and/or
- Contains any other recognized serious safety or health hazards.

Possible examples of a confined space include a storage tank, utility tunnel, or duct. Employees are not to enter spaces having these characteristics.

7.0 Volunteer Safety

When working with volunteers, employees will ensure that the volunteers are aware of safety procedures and have the appropriate safety equipment and training. Care must be taken to not expose volunteers or employees to unnecessary risk. Potentially hazardous recreational activities such as swimming are not allowed by employees or volunteers during work hours without the express permission of the Executive Director. Signed liability waiver forms are required of all volunteers prior to service. Consent forms are required from parent or guardian for volunteers under 18 years of age.

8.0 Reporting Child Abuse and Neglect

If employees work with children (as volunteers or otherwise), they should note that all Oregonians have a responsibility to protect those who cannot protect themselves. Members of the general public (including EMSWCD employees) may report suspected abuse and neglect if they choose. Oregon state law mandates that workers in certain professions (in most cases, these will not include EMSWCD employees) must make reports if they have reasonable cause to suspect abuse or neglect.¹ Employees

¹ A complete list of mandated reporters can be accessed at:
can call 1-855-503-SAFE (7233) to report abuse or neglect of any child or adult to the Oregon Department of Human Services.

9.0 Training
All employees are encouraged to be certified in CPR, First Aid, AED, and Epi-Pen. The cost of certification classes may be submitted to the EMSWCD for reimbursement; the EMSWCD will also pay the employee’s salary for time spent in class.
The East Multnomah Soil and Water Conservation District’s (EMSWCD’s) Employee Performance Review process and forms consist of the following:

1.0 Performance Management and Review Process

1.1 Continuous Feedback throughout Year

1.2 Annual Discussion and Documentation

2.0 Description of Performance Rating Standards

3.0 Indicators for Section 5.0

1.0 Performance Management and Review Process

Performance management and review are meant to help employees satisfy job requirements, demonstrate core competencies and positive work behaviors, identify professional development opportunities, achieve exceptional work quality, and work with board members, volunteers, clients, and other employees in a productive manner. The performance review itself is intended to accurately evaluate each employee’s performance, work behaviors, and professional impression on EMSWCD’s constituents and partners. All employees will be evaluated in a fair, standard and transparent manner.

The performance review process and related form may change over time to improve the usefulness of evaluations. Coaching and training, will be provided to help employees continue to develop professionally and continually improve their effectiveness and job satisfaction.

The EMSWCD is an at-will employer. That means that both the EMSWCD and the employee can terminate the employment relationship with or without cause and with or without notice. This policy is neither a contract nor a guarantee of continued employment. No individual Board Director or staff member has the authority to alter these policies. All changes to the policy must be approved by the Board and provided to all employees in writing. The performance evaluation form may be modified and approved as needed by the Executive Director when consistent with the policies.

The EMSWCD reserves the right to change these policies at any time. The policies do not and are not intended to confer any property right in continued employment or to constitute an expressed or implied contract.

1.1 Continuous Feedback throughout Year

Employee performance review and management should be a continuous process undertaken throughout the entire performance review period, which in most cases will be July through June. To facilitate this:
Policy 1.1.13: Employee Annual Performance Reviews
East Multnomah Soil and Water Conservation District

Employee Name: ___________________  Current Position: ___________________
Reviewer Name: ___________________  Review period: ___________________

- All supervisors and their direct reports should strive to create a professional relationship that is founded on open, honest, and frequent communication.
- Performance management begins each year with the establishment of clear and accurate job descriptions, work plans, and professional development and training plans. These documents and the process used to establish them are the cornerstone of success for employees. Being able to understand their roles, expectations, and opportunities, is essential for employees. Job descriptions serve to identify how the employees’ positions fit within the organizational structure. Work plans identify the specific activities and expectations for the next 12 months. And professional development and training plans should identify 1-year, 5-year, and 10-year professional goals (whether inside or outside of EMSWCD) for employees as well as education and training that will help them achieve those goals.
- Supervisors and their direct reports should meet consistently throughout each year (at least one to two times each month) to discuss priorities, issues, needs, and accomplishments related to established annual work plans, new items that were not previously planned for, and job descriptions.
- Supervisors should inform direct reports during these meetings—and at other opportunities as necessary and appropriate—if the employees are performing well. Success should be encouraged, recognized, and praised by supervisors. Lack of success should be addressed by supervisors at the earliest possible time, with steps and a timeline for improvement being determined by the supervisor.
- To ensure supervisors and direct reports have the same understanding, summary notes from each meeting, which include, at a minimum, decisions, action items, notes regarding the need for improvement and the steps and timeline for improvement, should be captured in an email written by direct reports and sent to the supervisor. Capturing the information correctly may require several iterations between direct reports and supervisors.

The above process is intended to help employees be successful by recognizing good performance and also by identifying and addressing (if needed) performance issues at the earliest possible time. If this process is done well throughout the year, employees should know when they are performing well and should usually not find out about performance issues for the first time during the formal annual performance review in July, because they have been kept informed by their supervisor throughout the performance period. The annual performance review should then be used to capture the entire suite of performance-related activities and issues that transpired throughout the year and to establish a longer term path forward. While this is the ideal situation, some circumstances may arise in which employees hear about performance issues for the first time during the annual performance review meeting. While the above measures will be taken to avoid this, on occasion it may be unavoidable.

1.2 Annual Discussion and Documentation
The end-of-year annual performance review will be conducted in July-August of each year. The performance review period may be different for new employees (for example if the employees start sometime after the beginning of the standard performance review period), for employees that have formal Performance Improvement Plans in place, and as necessary for other employees when circumstances dictate divergence from the standard performance review period. While performance reviews for new employees will use the same format as existing employees, there will normally be an initial formal performance review after six months of service; this may or may not coincide with the annual June performance reviews.
End-of-year performance review steps:

- Supervisors should work with their direct reports in June of each year to develop draft work plans and draft professional development and training plans for the following year.
- Supervisors should set in-person performance review meeting dates with their direct reports during the month of July, approximately two weeks in advance of the performance review meeting. If requested by direct reports or supervisors, the Executive Director and/or a member of the Personnel Committee may be asked to attend the performance review meetings.
- When the performance review meeting is established, supervisors and their direct reports should (re)familiarize themselves with the entirety of the most recent version of the Employee Annual Performance Review form and process.
- Prior to the evaluation meetings, supervisors may solicit input from persons with whom their direct reports interact in the course of their work at any time during the performance review period. When Program Supervisors are being evaluated by the Executive Director, the supervisors’ direct reports will be given the opportunity to provide input. Persons being requested to comment will receive a standard set of questions. All input will be confidential. Comments will be consolidated and summarized. Any identifying information regarding the source will be removed. All consolidated and summarized comments should be sent to the direct report prior to the performance review meeting, with sufficient time to respond to point 6.2.
- To help ensure consistency across programs, the Executive Director will send Program Supervisors initial impressions of each staff’s performance; if there is substantial disagreement between the Executive Director and the relevant Program Supervisor, the Executive Director and supervisor will discuss/resolve before proceeding.
- Prior to the performance review meetings, direct reports should complete Sections 4.0 through 6.0 of the Employee Annual Performance Review form and then send the completed form to their supervisor.
- Supervisors should then complete Section 4.0 through 9.0 for the Executive Director’s initial review; if there is substantial disagreement between the Executive Director and the relevant Program Supervisor, the Executive Director and supervisor will discuss/resolve before proceeding.
- Supervisors will then return the completed form to the direct report. Supervisors and direct reports should describe both positive aspects of performance as well as any areas in need of improvement.

When completing the form, supervisors and direct reports should note that:

- Both supervisors and direct reports should refer to the general and specific indicators when completing their respective sections.
- If a question does not pertain to an employee, “N/A” should be indicated in the narrative box.
- Only supervisors should assign performance ratings and performance trends. If this is the first performance review for an employee, “N/A” should be indicated in the Trend box.
- Prior to performance review meetings, supervisors and direct reports should separately review the completed Annual Performance Review forms, identifying any areas where there appears to be a difference of opinion.
- Prior to the performance review meetings, supervisors and direct reports should separately review relevant job descriptions, identifying any areas that need updating or changing.
Policy 1.1.13: Employee Annual Performance Reviews
East Multnomah Soil and Water Conservation District

Employee Name: ____________________________  Current Position: ____________________________

Reviewer Name: ____________________________  Review period: ____________________________

k. During the performance review meetings, supervisors and direct reports should:
   • Review all information in the Employee Annual Performance Review form and discuss any difference of opinions;
   • Review draft annual work plans and draft professional development and training plans, discussing desired changes;
   • Review job descriptions and discuss desired changes; and
   • If necessary, discuss elements of Performance Improvement Plans that will be put in place.

l. After the performance review meetings, supervisors shall finalize the Employee Annual Performance Review forms, annual work plans, professional development and training plans, job descriptions, and, if necessary, Performance Improvement Plans. Supervisors shall then send the materials to direct reports for their signature.

The Executive Director will be evaluated by the Board of Directors in executive session after receiving input from staff, partners, peers and clients as appropriate and feasible. The process and form described herein may or may not be used.

2.0 Description of Performance Rating Standards

The standards and associated descriptions in the table below will be used by supervisors to rate performances of direct reports in: completing the deliverables identified in annual work plans; fulfilling the job duties identified in job descriptions; and the necessary application of education, training, experience, knowledge, skills, and abilities as identified in job descriptions (all of which are collectively hereafter referred to as “tasks”). Each employee’s overall standard as indicated in Section 7.0 will be used to determine a merit-based pay increase.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Description</th>
<th>% Pay Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional</td>
<td>Met relevant general indicators and more specific positive indicators ~&gt;95% of the time. As a result, for nearly all tasks, the direct report performed at an extremely high professional level and no correction was needed from supervisor or others to be considered complete. Other tasks were Great and/or Good.</td>
<td>3.0%</td>
</tr>
<tr>
<td>Great</td>
<td>Met relevant general indicators and more specific positive indicators ~85-95% of the time. As a result, for the vast majority of tasks, the direct report performed at a high professional level and little correction was needed from supervisor or others to be considered complete. Other tasks were Exceptional and/or Good.</td>
<td>2.5%</td>
</tr>
<tr>
<td>Good</td>
<td>Met relevant general indicators and more specific positive indicators ~70-85% of the time. As a result, for most tasks, the direct report performed at a professional level and a modest amount of correction was needed from supervisor or others to be considered complete. Other tasks were Exceptional, Good, and/or Fair.</td>
<td>2.0%</td>
</tr>
</tbody>
</table>
Minimally acceptable/unacceptable level of performance: Met relevant general indicators and more specific positive indicators ~60-70% of the time. As a result, for most tasks, the direct report performed at a subpar level and a large amount of correction was needed from supervisor or others to be considered complete. Other tasks were Exceptional, Great, Good, and/or Poor.

NOTE: When a rating of Fair is given for the first time or in isolation of other Fair ratings (i.e., in non-consecutive order), performance is deemed minimally acceptable, a 1.0% raise is possible, and the supervisor will work with the direct report to improve performance. If Fair is given two consecutive times, performance is deemed unacceptable, a 0.0% merit-based increase will be given, and a Performance Improvement Plan will be established; consistent and increasing improvement must occur within six months.

Unacceptable level of performance: Met relevant general indicators and more specific positive indicators ~<60% of the time. As a result, for most tasks, the direct report performed at a subpar level and nearly constant correction was needed from supervisor or others to be considered complete. Other tasks were Exceptional, Great, Good, and/or Fair.

A Performance Improvement Plan must be established; immediate improvement must occur for employee to remain in the position.

### 3.0 Indicators for Section 5.0

#### Positive Indicators for Vision and Mission
- Identifies strategic issues, opportunities and risks.
- Clearly communicates links between the EMSWCD’s strategies and program’s goals.
- Generates and communicates compelling conservation-related messages, inspiring others to pursue that same direction.
- Conveys enthusiasm about future possibilities.

#### Values: Positive Indicators for Equitable Access to Services to all Communities
- Works effectively with people from all backgrounds.
- Treats all people with dignity and respect.
- Shows respect for, and understanding of, diverse points of view and demonstrates this understanding in daily work and decision-making.
- Examines own biases and behaviors to avoid stereotypical responses.
- Does not discriminate against any individual or group.
- Seeks creative means to reach historically marginalized groups.

#### Values: Positive Indicators for Public Service
- Is responsive and respectful to the public.
- Demonstrates professional competence and mastery of subject matter.
- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results.
- Is motivated by professional rather than personal concerns.
- Shows persistence when faced with difficult problems or challenges.
- Remains calm in stressful situations.
<table>
<thead>
<tr>
<th>Values: Positive Indicators for Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Proactively provides timely, thorough, and accurate information about activities to the EMSWCD, public, partners and others, as appropriate.</td>
</tr>
<tr>
<td>• Responds to requests for information from the EMSWCD, public, partners and others, in a timely, thorough, and accurate manner.</td>
</tr>
<tr>
<td>• Develops and maintains accurate, accessible reports/logs of work-related information and activities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Values: Positive Indicators for Integrity</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Acts without consideration of personal gain.</td>
</tr>
<tr>
<td>• Resists inappropriate and/or conflicted pressure in decision-making.</td>
</tr>
<tr>
<td>• Does not abuse power or authority.</td>
</tr>
<tr>
<td>• Stands by decisions that are in the EMSWCD’s interest even if they are unpopular.</td>
</tr>
<tr>
<td>• Takes prompt action in cases of unprofessional or unethical behavior.</td>
</tr>
<tr>
<td>• Honors commitments.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Values: Positive Indicators for Sound Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Allocates appropriate amount of time and resources for completing work.</td>
</tr>
<tr>
<td>• Foresees risks and allows for contingencies when planning.</td>
</tr>
<tr>
<td>• Monitors and adjusts plans and actions as necessary.</td>
</tr>
<tr>
<td>• Uses time efficiently.</td>
</tr>
<tr>
<td>• Delivers outputs for which one has responsibility within prescribed time, cost and quality standards.</td>
</tr>
<tr>
<td>• Operates in compliance with organizational regulations and rules.</td>
</tr>
<tr>
<td>• Supports direct reports, provides oversight and takes responsibility for delegated assignments.</td>
</tr>
<tr>
<td>• Takes personal responsibility for his/her own shortcomings and those of the work unit, where applicable.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Positive Indicators for Deliverables</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Level of knowledge/skills to meet requirements of the position and evidence of desire to increase that knowledge/skill.</td>
</tr>
<tr>
<td>• Demonstrates initiative in starting and performing work tasks without direction.</td>
</tr>
<tr>
<td>• Organizes work to complete projects/tasks in timely manner.</td>
</tr>
<tr>
<td>• Organizes workload to reflect priorities of program/organization.</td>
</tr>
<tr>
<td>• Demonstrates flexibility in responding to changing needs and priorities.</td>
</tr>
<tr>
<td>• Cooperates when asked to perform extra work.</td>
</tr>
<tr>
<td>• Offers suggestions for improvements in handling work to be done.</td>
</tr>
<tr>
<td>• Pro-actively identifies potential problems, issues, or obstacles and develops appropriate contingency actions for resolution.</td>
</tr>
<tr>
<td>• Exercises good judgment in problem solving.</td>
</tr>
<tr>
<td>• Actions protected and/or improved the EMSWCD’s, public’s, and environment’s interests.</td>
</tr>
<tr>
<td>• Possesses and uses a level of critical thinking necessary for position.</td>
</tr>
<tr>
<td>• Provides necessary level of detail in assessments and explanations.</td>
</tr>
<tr>
<td>• Uses necessary resources, including latest advancements in science and thinking.</td>
</tr>
<tr>
<td>• Includes appropriate people/entities in decision-making and project activities.</td>
</tr>
<tr>
<td>• Provides services and deliverables on or before the necessary or prescribed deadline.</td>
</tr>
<tr>
<td>• Written products include:</td>
</tr>
<tr>
<td>o Proper punctuation, capitalization, sentence structure;</td>
</tr>
<tr>
<td>o Logical organization and flow of information;</td>
</tr>
<tr>
<td>o Proper formatting, including headers, footers, fonts, numbering; and</td>
</tr>
<tr>
<td>o Conformance to templates and branding.</td>
</tr>
</tbody>
</table>
### Positive Indicators for Interpersonal and Communication Skills

- Ability to communicate well orally and in writing to clients, other employees and volunteers.
- Offers and accepts constructive criticism in manner appropriate to reaching program goals and building professional relationships.
- Reflects strong motivation and positive attitude.
- Works well with clients, professional organizations, public agencies and community groups to achieve program goals.
- Presents self in professional manner that reflects positively on the EMSWCD.
- Days when employee does not have approval to be tardy or absent are minimal in number.
- Represents EMSWCD well, presenting a professional, knowledgeable, and positive appearance and attitude.
Policy 1.1.14: Professional Development
East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on:  
Policy revised and approved by EMSWCD Board of Directors on:  

In this Policy

1.0 Introduction ............................................................................................................................................ 1
2.0 Annual Training ....................................................................................................................................... 1
3.0 Tuition Assistance ................................................................................................................................... 1
4.0 Developmental Assignments .................................................................................................................. 2
   4.1 Temporary Project Assignments outside of Job Description ........................................................... 3
   4.2 Temporary Position Assignments outside the Organization ............................................................ 3
   4.3 Job Swapping .................................................................................................................................... 4
5.0 Job Transfers and Promotions ................................................................................................................ 4
6.0 Job Promotions ....................................................................................................................................... 5

1.0 Introduction
EMSWCD believes in helping employees be as successful as possible in their professional careers. To do so, supervisors shall work with employees throughout each year and during annual performance reviews to identify short, medium, and long-term professional goals. Supervisors shall then work with employees to identify formal and informal training, educational, and developmental opportunities that will support achievement of the professional goals.

2.0 Annual Training
Supervisors shall work with employees when they are first hired to identify immediate on-the-job training and other related training necessary for the employee to be successful in their position. Subsequent to this, during each performance evaluation, supervisors shall work with employees to agree on and establish a written professional development/training plan for the next evaluation period. Training shall include topics that are required on an annual or periodic basis for some or all staff as well as job-specific training. Unless exceptional circumstances warrant deviation, employees should plan for and participate in annual training events that do not exceed two weeks and $1,000 per year. Due to budget and time constraints, this annual training allotment may be limited further from year to year. Also, employees should note that annual professional development/training plans that all are required of all employees are significantly different than Professional Improvement Plans (PIPs) that are required for struggling employees (see Policy 1.1.13).

3.0 Tuition Assistance
Tuition assistance may be available to employees who pursue higher education in a field related to EMSWCD’s mission and their current or potential future positions at EMSWCD. Availability of tuition assistance will be determined by the Board of Directors on a year-to-year and case-by-case basis, depending on the availability of funding.
Conditions of tuition assistance include:
- Employees must have worked for EMSWCD for at least 12 consecutive months in a full-time (40 hours per week), regular position.
- Employees must have received “Met Expectations” (or the equivalent) or above on their two most recent performance evaluations.
- Employees must apply for tuition assistance through their supervisor by January 15 of each year to be eligible for tuition assistance for classes beginning in July or later of that scholastic year.
- Because this benefit is intended to help employees further their careers and to help employees who may otherwise not be able to afford higher education, reimbursement will be on a graduated scale as follows:

<table>
<thead>
<tr>
<th>Job Class</th>
<th>Maximum % Tuition Reimbursement</th>
<th>Maximum Reimbursement per Scholastic Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>CT/AT – C2/A3</td>
<td>75%</td>
<td>$10,000</td>
</tr>
<tr>
<td>C3 – C4</td>
<td>50%</td>
<td>$7,500</td>
</tr>
<tr>
<td>C5 – A4</td>
<td>25%</td>
<td>$2,500</td>
</tr>
<tr>
<td>A5</td>
<td>15%</td>
<td>$1,500</td>
</tr>
</tbody>
</table>

- Employees must pursue an accredited degree: Associate, Bachelor, Master or PhD.
  - Degree must be in a field that directly relates to EMSWCD’s mission.
  - Degree must be in a field directly related to employee’s current position or potential future position at EMSWCD.
- Tuition reimbursement is to be paid after each class is successfully completed with at least a B in the class (except under extraordinary circumstances).
- Employees must agree to continue working for EMSWCD for 12 consecutive months, as a full-time, regular employee, following reimbursement of each class.
- Employees must agree to reimburse EMSWCD (a prorated amount) if they leave EMSWCD prior to 12 months following each class.
- Employees must allow EMSWCD to provide information regarding the employee’s failure to fulfill her/his commitment (i.e., early departure) to prospective employers, should employee leave prior to the 12-month commitment.
- Class time and homework time shall not be considered work time.

4.0 Developmental Assignments
Employees seeking to expand and improve their job skills through on-the-job work experiences may seek to establish and take advantage of one or more developmental assignments. Developmental assignments may include, but are not limited to:
- Temporary project assignments that are outside the scope of an employee’s job description but within the organization;
- Temporary position assignments that are outside of the organization; and
- Temporary “job swapping” assignments between similarly classed employees inside or outside of the organization.
To qualify for consideration of a developmental assignment, employees must:

- Have worked for EMSWCD for at least 12 consecutive months in a full-time (40 hours per week), regular position.
- Have received “Met Expectations” (or the equivalent) or above on their two most recent performance evaluations.
- Discuss and receive tentative approval from their supervisor.
- Develop a proposal for the assignments, including, at a minimum, substantive scope, learning objectives, project outcomes, duration, and how all normal job duties will be completed during employee’s assignment.
- Identify how the assignment will further their professional careers while supporting the mission of EMSWCD during the developmental assignment period.
- Receive final approval from the Executive Director.

4.1 Temporary Project Assignments outside of Job Description

Each EMSWCD employee has a job description that defines the parameters and expectations of their position. Each year, employees are expected to review their job descriptions with their supervisors to ensure it is accurate and within the scope of the relevant job class. At this same time, employees are expected to work with their supervisors to establish annual work plans. Activities identified within annual work plans should be consistent with an employee’s job description. With supervisor approval, employees may request to purposefully work outside the scope of their position description on a temporary basis for developmental purposes. Such developmental assignments are not intended to be, and should not be, used by employees or supervisors to work someone out of their job class as a means to later justify a promotion or pay raise. Temporary project assignments outside of an employee’s job description are intended to help employees develop new skills and abilities that may provide them with new job inspiration and an opportunity to advance their careers at a later time.

Temporary project assignments outside of an employee’s job description must:

- Meet the needs of EMSWCD;
- Be less than six months in duration;
- Be consistent with identified career goals; and
- Not unduly interfere with normal job duties.

4.2 Temporary Position Assignments outside the Organization

From time to time, external organizations may have temporary or interim positions they are seeking to fill with qualified candidates. These positions may become available when their employees are on extended leave (e.g., sabbatical, family, educational, or extended travel leave) or when a short-term project assignment needs completed. When such opportunities become available, EMSWCD employees may wish to consider filling them for career developmental purposes. With supervisor approval, employees may request to work for an external agency on a temporary basis for developmental purposes. Such developmental assignments are not intended to be, and should not be, used by employees to permanently change organizations. Temporary project assignments outside of EMSWCD are intended to help employees develop new skills and abilities that may provide them with new job inspiration and an opportunity to advance their careers at a later time.
Temporary project assignments outside of EMSWCD must:

- Be with a host organization whose goals are compatible with EMSWCD’s;
- Be less than six months in duration;
- Be consistent with identified career goals; and
- Not unduly interfere with normal job duties.

4.3 Job Swapping

As a means to grow professionally, employees may wish to explore a temporary “job swapping” assignment between similarly classed employees inside or outside of EMSWCD. For example, a Senior EMSWCD Rural Conservationist may swap jobs with a Senior EMSWCD Urban Conservationist so each employee can perform and experience the other employee’s substantive work. Likewise, an EMSWCD Conservation Program Supervisor may swap jobs with a non-EMSWCD Conservation Program Supervisor equivalent. In either case, employee supervisors/organizations must agree to the job swap. Such developmental assignments are not intended to be, and should not be, used by either employee to permanently change positions or organizations. Temporary job swap assignments are intended to help employees develop new skills and abilities that may provide them with new job inspiration and an opportunity to advance their careers at a later time.

Temporary job swap assignments must:

- If with an external organization, be with a host organization whose goals are compatible with EMSWCD’s;
- Be less than six months in duration;
- Be consistent with identified career goals; and
- Not unduly interfere with normal job duties.

5.0 Job Transfers

When vacancies occur within EMSWCD, employees who have worked for EMSWCD for at least 12 consecutive months in a full-time (40 hours per week), regular status position, may request a permanent job transfer if the vacant position is at the same or lower job class (e.g., from an Urban Conservation Specialist to a Rural Conservation Specialist or from an Urban Conservation Specialist to a Rural Conservation Technician). Employees may wish to consider a job transfer to expand their current professional knowledge, abilities, and experiences as a means to further their professional aspirations in the future or to find a better “fit” within EMSWCD. While salary/pay evaluations will always be part of a permanent job transfer, if the job transfer is a lateral move (within the same job class), then the employee’s pay will likely not be adjusted unless there are extraordinary circumstances to consider. If the job transfer is to a lower job class, then the employee’s pay will likely be adjusted to a similar relative position within the new lower pay grade unless there are extraordinary circumstances to consider. Requests for job transfers must be made to the Executive Director. The Executive Director, in consultation with each position’s supervisor, will determine if the job transfer is appropriate.

When employees are transferred to a new position, they must complete a probationary period of at least 30 days and up to six months to determine the suitability of the placement and the employee’s ability to satisfactorily perform the required work. A transferred employee serving their probationary
period is still considered a regular employee, eligible for all benefits to which they would normally be entitled. If it is determined that the job transfer is not working during this period, employees may:

- Be returned to their original job if the position is still vacant;
- Be assigned to another vacant position if available and deemed suitable; or
- Under exceptional circumstances, be terminated from employment.

6.0 Job Promotions

After an employee has been competently performing their assigned job duties that fall within their job description for at least 12 consecutive months as a full-time, regular status employee, s/he may be asked by their supervisor to take on additional (outside of job description) responsibilities or to work more independently. If these duties extend beyond a six-month period and are expected to continue into the foreseeable future, it may indicate that an employee’s job duties and responsibilities are a better fit for a higher-level job classification. Supervisors should review job descriptions with each employee during the annual performance review period to determine if this is the case. If the supervisor and employee are in agreement, the supervisor may submit a job reclassification request to the Executive Director. The Executive Director will consider the needs of EMSWCD and the programmatic unit the position within, budget implications of a promotion, and other ramifications of a promotion in making promotion decisions. A pay raise will often accompany such a promotion, but under special circumstances may not be warranted. If a pay raise is warranted, it will likely not be retroactive.

When employees are promoted, they must complete a probationary period of at least 30 days and up to six months to determine the suitability of the placement and the employee’s ability to satisfactorily perform the required work. A promoted employee serving their probationary period is still considered a regular employee, eligible for all benefits to which they would normally be entitled. If it is determined that the promotion is not working during this period, employees may:

- Be returned to their original job class if the lower job class is still warranted;
- Be assigned to another vacant position if available and deemed suitable; or
- Under exceptional circumstances, be terminated from employment.
Policy 1.1.15: Non-Pay Benefits

East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: _____________

Policy revised and approved by EMSWCD Board of Directors on: _____________

In this Policy

1.0 Introduction

On the first of the month following the date of hire, the following non-pay benefits¹ are offered to full and part-time employees, who normally work a minimum of 20 hours per week. Continued availability of these and other benefits are contingent on availability of funding and subject to change by the EMSWCD Board of Directors. Employees who work less than 20 hours per week, in addition to temporary and seasonal employees regardless of the hours worked, are not eligible for non-pay benefits (other than wellness leave, see Policy 1.1.8). Specific exceptions, if they exist, in terms of non-pay benefits that apply to regular status employees who work less than 20 hours per week, in addition to temporary and seasonal employees, are identified below.

2.0 Health and Disability Insurance

Health insurance (including medical, dental, and vision) is provided for regular full-time employees and regular part-time employees (who normally work at least 20 hours per week) at no cost. These same employees may purchase health insurance for family members at 10% of cost, as provided in EMSWCD’s agreement with the insurance carrier. Medical benefits will begin on the first day of the month following the employee’s first day at work. Regular part-time employees who normally work less than 20 hours per week and temporary/seasonal employees receive no health insurance coverage.

Costs related to health insurance for family members are the responsibility of the employee and may be deducted from the employee’s paycheck if requested. Family members eligible for this coverage include spouses, children, domestic partners (regardless of gender), and the children of a domestic partner. An affidavit is required in order to enroll a non-married partner in the EMSWCD’s Medical Insurance Plan. Enrollment materials, affidavit forms, and information regarding coverage are available from EMSWCD’s Office Manager. Continued availability of these and other benefits are contingent on availability of funding and subject to change by the EMSWCD Board of Directors.

¹ For benefits and other work-related purposes, EMSWCD recognizes domestic partners, consistent with the law.
Employees may purchase supplemental health insurance through the EMSWCD’s provider. If an employee elects to purchase supplemental insurance through the EMSWCD’s provider, the EMSWCD will contribute 50 percent of the cost of that insurance, up to $50 per month. The remainder will be at the employee’s own expense. Changes to supplemental insurance must be requested in writing no less than 10 days before the end of the pay period to be effective at the start of the following pay period.

In the event that an employee has exhausted all paid leaves for “wellness” purposes, the EMSWCD will continue to provide insurance benefits so long as unpaid leave is approved. If an employee is approved for short-term disability coverage by the EMSWCD’s carrier, the EMSWCD will continue to provide insurance benefits so long as the employee remains on short-term disability. Short-term disability pays up to 60% of weekly wages with a $200 weekly cap; the EMSWCD pays an additional $100 per week through self-insurance. If the employee remains unable to work once short-term disability benefits are exhausted, the EMSWCD will discontinue benefits and the employee will be offered COBRA.

2.1 Short-Term Disability Insurance
Short-term disability insurance is provided for employees at no cost. Short-term disability insurance is not available for family members. Short-term disability pays up to 60% of weekly wages with a $200 weekly cap. EMSWCD pays an additional $100 per week through self-insurance.

EMSWCD will pay for benefits when an employee is on approved short-term disability. If the employee is not on short-term disability, EMSWCD will limit the time benefits will be covered up to 160 hours. Following 160 hours, the Executive Director may decide to extend benefits or make the employee eligible for COBRA.

2.2 Long-Term Disability Insurance
Long-term disability insurance is provided for the employee at no cost. Long-term disability insurance is not available for family members.

3.0 Life Insurance
EMSWCD provides $50,000 of life insurance to regular status employees who normally work at least 20 hours per week at no cost to employees. Life insurance is not available for family members. Employees may purchase supplemental life insurance through the EMSWCD’s provider. If an employee elects to purchase supplemental insurance through the EMSWCD’s provider, the EMSWCD will contribute 50 percent of the cost of that insurance, up to $50 per month. The remainder will be at the employee’s own expense. Changes to supplemental insurance must be requested in writing no less than 10 days before the end of the pay period to be effective at the start of the following pay period.

4.0 Retirement Investment Plan
EMSWCD offers a retirement/deferred compensation plan to regular status employees. The provisions of the retirement plan are as follows:

- Employees are not required to make contributions, but may do so voluntarily.
- EMSWCD will match the employee’s contribution up to 6 percent of salary/wages.
  - EMSWCD will not contribute if the employee does not contribute.
  - Employees may contribute more than 6 percent of their salary/wages, up to the limit defined by federal tax law.
• Investment decisions for both employer and employee contributions into a given employee’s account are made by the employee. Requests for changes in the investment allocations are made directly with the plan administrator.
• Employees may request changes in the percentage or dollar amount of their voluntary payroll contributions as often as they wish. Change requests should be submitted in writing to the staff person responsible for EMSWCD payroll. The EMSWCD match will be changed accordingly.
• There is no waiting period. Employer and employee contributions may be made from the date of hire.
• Employee and employer contributions are 100 percent vested from the date of hire.
• All regular status full-time and part-time employees are eligible to participate in the retirement plan and have employer contributions made to their accounts. There is no minimum “hours per week” requirement. Temporary and seasonal employees are not eligible.
• When an employee leaves the EMSWCD, the employer contribution remains in the employee’s account.

Additional information and enrollment materials for both the retirement/deferred compensation plan are available from the Office Manager.

5.0 Employee Wellness
EMSWCD supports and promotes employee and Board member efforts to create and maintain a healthy balance between work life and home life. In addition, whether at work or home, EMSWCD encourages all employees and Board members to care for their own physical, mental, and spiritual health in manners that best suit them as individuals. To this end, EMSWCD provides each employee with quality health care that includes access to numerous resources and programs, including:

• Libraries of health-related publications and articles, videos, and podcasts;
• Health symptom checker, calculators, quizzes, and risk assessment tools;
• Healthy living guidance on a range of topics, including, fitness, mental health, nutrition, smoking cessation, stress management, and weight management;
• Specific health-related guidance for children, men, women, and older adults;
• Classes on topics such as cancer, childbirth, smoking cessation, Pilates, and yoga;
• Access to the Active&Fit Direct Program, LifeBalance Program, and ChooseHealthy Program that provide discounts on recreational and cultural activities, gym memberships, acupuncture, massage therapy, and wellness products; and
• Access to the “Fit Together” program that provides classes, events, nutritional guidance, care management, and health coaching. 2

In addition to the above benefits, EMSWCD will continue to research how other entities incentivize their employees and Board members to maintain and improve their physical, mental, and spiritual health.

---

2 As of May 30, 2018, these benefits can be accessed at:
• [https://oregon.providence.org/](https://oregon.providence.org/)
• [https://healthplans.providence.org/members/tools-for-health/](https://healthplans.providence.org/members/tools-for-health/)
6.0 Childcare
EMSWCD will provide employees the opportunity to contribute to a Flexible Spending Account/Dependent Care Account on an annual basis. Under the program, employees can set aside up to $5,000 per year in pre-tax dollars to pay for child care expenses. The total family limit (for example, if both spouses have separate FSA accounts) is $5,000 per year, but employees may experience up to $2,000 in tax savings if a family’s combined contributions reach the maximum.

7.0 Commuting and Transportation
As a means to reduce EMSWCD’s collective carbon footprint and reduce local traffic, EMSWCD encourages employees and Board members to use public transportation, car-pooling, and non-carbon power generated transportation (i.e., walking, cycling, electric vehicles) to and from work and in their personal lives as well. Portland and the immediate region has an extensive public transportation system (TriMet4) that is available to all employees and Board members. Additionally, when appropriate, employees may consider occasionally working from home to eliminate their contribution to traffic all together (see Policy 1.1.6). EMSWCD will continue to research how other entities incentivize their employees and Board members to seek alternative transportation options.

---

3 This program can also be used for healthcare purposes, unrelated to childcare.
4 See: https://trimet.org/
Policy 1.1.16: Discipline and Separation
East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: ____________
Policy revised and approved by EMSWCD Board of Directors on: ____________

In this Policy

1.0 Disciplinary Actions ................................................................. 1
2.0 Suspension and Termination .................................................. 1
3.0 Layoffs ................................................................................. 2
4.0 Appeal Process ...................................................................... 2
5.0 Severance Pay ..................................................................... 3
6.0 Voluntary Resignations .......................................................... 3
7.0 Death of an Employee ............................................................. 3

1.0 Disciplinary Actions
When performance and/or behavioral expectations are not met by employees, supervisors will provide informal verbal and/or written feedback and correction at the earliest practical time. In the event this does not adequately address the situation or performance/behavior is so dire that informal action is deemed inappropriate by the supervisor or Executive Director, formal disciplinary action may be taken.

Formal disciplinary actions may include, but are not limited to:
- Verbal counseling/disciplinary meeting and follow-up memo;
- Stand-alone counseling/disciplinary memo;
- Documented performance review, including a Performance Improvement Plan;
- Stand-alone Performance Improvement Plan;
- Temporary or permanent re-assignment of job duties;
- Temporary or permanent pay reduction;
- Temporary or permanent job class demotion; and/or
- Suspension and/or termination from employment (see Section 2.0 below).

Formal disciplinary actions shall be recommended by supervisors and approved by the Executive Director. Employees will normally have an opportunity to provide an explanation prior to any final action being taken. In more serious cases, such as those involving criminal acts or a threat to the safety of others, immediate action may be taken, including suspension and removal from the worksite (see Section 2.0 below).

2.0 Suspension and Termination
In accordance with the Oregon’s at-will employment status, employees may be terminated at the EMSWCD’s discretion with or without cause. If deemed appropriate and/or necessary by the Executive Director, the Executive Director may:
Policy 1.1.16: Discipline and Separation

East Multnomah Soil & Water Conservation District

- Place employees on administrative leave (with or without pay) and remove them from the workplace, including terminating computer and phone access and confiscating keys and other EMSWCD-owned items, until unresolved issues can be addressed or, at the Executive Director’s discretion, until a Personnel Committee can be convened to discuss such issues; and/or
- Immediately terminate employees after notifying the Personnel Committee of the decision to terminate and allowing each Personnel Committee member time to object and/or request a PC meeting prior to termination. If a PC member objects or requests a PC meeting prior to termination, the employee in question may be put on administrative leave until the PC meeting can be held.

To minimize EMSWCD liability and to ensure that employee rights are protected, the Executive Director will consult with its insurance underwriter and/or legal counsel before making a termination decision. Upon termination, the employee’s final check will be paid on his/her last day of work and will include any unused vacation pay and compensatory pay. Accrued wellness leave shall not paid upon termination.

3.0 Layoffs
Layoffs will be determined based on EMSWCD staff needs and available funding. EMSWCD is an at-will employer and positions may be eliminated or altered at the discretion of the Personnel Committee.

4.0 Appeal Process
All employees have the right to be treated fairly, to have their views heard and, in the event a supervisor is acting inappropriately, to appeal a disciplinary or other personnel situation to a higher authority. If an employee believes that a supervisor has acted inappropriately, the employee may appeal the case to the Executive Director. In the event the Executive Director is alleged to have acted inappropriately or the employee is uncomfortable approaching the Executive Director with the issue, the employee may appeal to the Personnel Committee (or to the Board Chair in the event the Personnel Committee is not available). The decision of the Executive Director, Personnel Committee, or Board Chair, as appropriate, shall be final. If an employee disagrees with a review or other employment action, he or she may provide rebuttal documents for the appropriate file.

The purpose of the Personnel Committee is to review policies, recommend changes to the Board, and address complaints of discrimination, sexual harassment, and other wrongdoing by the Executive Director, as well as to hear employee grievances regarding disciplinary actions, changes in pay, promotions, suspensions, or other personnel matters that are not satisfactorily addressed by the Executive Director. In the event that a Personnel Committee has not been established or is unavailable, these matters shall be directed to the full Board of Directors. The Executive Director is empowered to conduct staff exit interviews, but staff may request an exit interview with the Personnel committee. Personnel administration including staff evaluations, selection, discipline, suspension, dismissal, and promotion will be the responsibility of the supervisor and the Executive Director. The Personnel Committee will exercise oversight in these matters but will not reverse the decision of the Executive Director unless an impropriety is discovered.
5.0 Severance Pay
Severance pay will be decided by the Personnel Committee on an individual basis.

6.0 Voluntary Resignations
In accordance with the Oregon’s at-will employment status, employees may resign from employment at EMSWCD at their discretion with or without cause. EMSWCD respectfully requests that employees provide at least two weeks’ notice for resignations.

7.0 Death of an Employee
Upon death of an employee, all unpaid salary and unused vacation leave will be paid to the employee’s estate.
Policy 1.1.17: Tort Liability

East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: ____________

Policy revised and approved by EMSWCD Board of Directors on: ____________

In this Policy

1.0 Introduction ............................................................................................................................................. 1

2.0 Definition of a Tort .................................................................................................................................. 1

3.0 Insurance Coverage for Conservation Districts ....................................................................................... 1

4.0 When Coverage does not Apply .............................................................................................................. 2

5.0 What to do when a Claim Arises ............................................................................................................. 2

1.0 Introduction
EMSWCD employees, board members, and volunteers, as agents of the State of Oregon, are covered under the State’s tort liability law as long as they are carrying out their official duties within the state and with due care and in good faith. Law suits are typically based on negligence, breach of duty, or nuisance. Providing EMSWCD agents are acting within the limits of their duties, the Oregon State Attorney General’s office will defend them against suits. The Oregon Department of Agriculture’s (ODA’s) Soil and Water Conservation District (SWCD) Program can be contacted whenever there is uncertainty about Tort liability.

2.0 Definition of a Tort
Oregon soil and water conservation districts are provided protection from tort liability for their actions while doing conservation district business through tort liability insurance coverage. A tort is defined as a wrongful act, injury, or damage (not involving a breach of contract), for which a civil action can be brought. ORS 30.260(8) defines a tort as "the breach of a legal duty that is imposed by law, other than a duty arising from contract or quasi-contract, the breach of which results in injury to a specific person or persons for which the law provides a civil right of action for damages or for a protective remedy."

3.0 Insurance Coverage for Conservation Districts
Under ORS 561.400, all conservation district directors, associate directors, directors emeriti, employees, and volunteers are provided tort liability coverage under the Oregon State’s self-insurance program. ODA pays the required charges to the state’s Oregon Department of Administrative Services (DAS) Risk Management Program for this coverage.
4.0 When Coverage does not Apply
The state’s tort liability coverage does not apply to:

- EMSWCD actions outside of the State of Oregon;
- Criminal complaints or actions;
- Acts not arising in the performance of duty;
- Slander;
- Malfeasance in office, or for acts due to willful or wanton neglect of duty or that were committed maliciously with intent to injure;
- The assumption of liability of another party because of negligence, unless a written agreement was entered into prior to a loss;
- Workers' compensation;
- Public Meetings Law violation claims;
- Protective relief actions;
- Pollution;
- Aircraft, except Unmanned Aerial Vehicles (UAVs or drones);
- Watercraft over 25 feet in length; or
- Personal property.

5.0 What to do when a Claim Arises
In the event of an accident, occurrence that may result in a tort claim, or and actual tort liability claim, EMSWCD agents should notify the Executive Director immediately. The ED will then work with the Management Team and Office Manager to promptly notify DAS Risk Management Program and the ODA SWCD Program.
Policy 1.1.18: Public Commenting

East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: May 4, 2015
Policy revised and approved by EMSWCD Board of Directors on: 

In this Policy

1.0 Application ................................................................. 1
2.0 Decision-making Criteria ............................................. 1
3.0 Board Notification Checklist ....................................... 2
4.0 Comment Letter Formatting ........................................ 2
5.0 Decision-making Matrix Template ............................... 3
6.0 Decision-making Matrix Template Examples .................. 3

1.0 Application
This policy applies to all formal EMSWCD public comments intended to represent the position of EMSWCD. A public comment includes any oral or written, formal or informal, communication made by EMSWCD Board members, employees, or volunteers (collectively, “representatives”) on behalf of EMSWCD to any person or entity that is not staff or a Board member of EMSWCD. Public comments include letters of support or opposition.

Prior to making any public comment in which the EMSWCD formal position is uncertain, EMSWCD representatives should confer with an EMSWCD employee. The employee must then apply the decision-making criteria in this policy to determine if a public comment is permissible without explicit Board of Director approval. If a public comment is permissible, representatives must also determine whether the Board must be notified of the public comment by using the checklist below. Employees should copy and paste the decision-making matrix template found in Section 5 of this policy, complete the matrix as instructed in this policy (examples given in Section 6), and save the completed matrix in a separate file for future reference.

2.0 Decision-making Criteria
EMSWCD employees shall apply the criteria below to determine if a public comment, made on behalf of EMSWCD, is possible without Board approval.

1. Is the issue directly or indirectly related to the EMSWCD mission?
   a. If yes, then proceed to Question #2.
   b. If no, then commenting on EMSWCD’s behalf is not permissible.
Policy 1.1.18: Public Commenting

East Multnomah Soil & Water Conservation District

2. Has the EMSWCD Board already taken a position on the issue?
   a. If yes, then commenting is permissible, but the Board position must be maintained.
   b. If no, then commenting is only permissible if answers to 3, 4, and 5 below are all “No.”

3. Does the project or issue somehow commit or otherwise impact EMSWCD time, staff and/or budget in a manner not previously considered and approved?

4. Is the project or issue politically, socially, and/or environmentally controversial?

5. **Reality check**: Does the hair on the back of your neck stand up when you think about the issue? This is an exaggerated question that is meant to convey and emphasize that if there is a concern of any type about making the public comment (regardless of whether the completed checklist determined so or not), it is best practice to check in with the Board prior to commenting.

3.0 Board Notification Checklist

Regardless of whether the Board must give prior approval of public comments made on behalf of EMSWCD (as determined by the criteria in 2.0 above), employees shall notify the Board at the earliest practical opportunity of all public comments made on behalf of EMSWCD when the project or issue involves:

1. law-making;
2. rule-making;
3. regulatory permitting;
4. legal/regulatory action;
5. a judicial proceeding; and/or
6. political, social and/or environmental controversy.

4.0 Comment Letter Formatting

When drafting and finalizing a public comment letter, staff must use standard best practices for a business letter\(^1\), which generally include:

- EMSWCD logo and contact information;
- Date;
- Address block;
- Subject line;
- Salutation/To/Dear followed by a colon;
- Body of letter with appropriate use of paragraphs;
- Consistent font type and size used throughout letter;
- Proper punctuation and sentence structure;
- Substantive content must be expressed professionally; all references to EMSWCD’s values, vision, mission, goals, objectives, and strategies must be as described in approved plans and reports;
- Closing; and
- Signature/Name/Position Title

While every letter does not have to look exactly the same (so there is room for professional preferences in addressing the above bullets), every letter should include the above bullets.

---

\(^1\) For an example, see: [https://owl.english.purdue.edu/owl/resource/653/01/](https://owl.english.purdue.edu/owl/resource/653/01/)
Policy 1.1.18: Public Commenting  
East Multnomah Soil & Water Conservation District

5.0 Decision-making Matrix Template

<table>
<thead>
<tr>
<th>1.0 Decision-making Criteria</th>
<th>Yes</th>
<th>No</th>
<th>2.0 Board Notification Required</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Related to District Mission?</td>
<td></td>
<td></td>
<td>1. Law-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Board taken position?</td>
<td></td>
<td></td>
<td>2. Rule-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. District commitment?</td>
<td></td>
<td></td>
<td>3. Regulatory permitting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Hair standing up?</td>
<td></td>
<td></td>
<td>5. Judicial proceeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Result:  

6.0 Decision-making Matrix Template Examples

Examples below demonstrate how the decision-making criteria and notification checklist are applied.

**Example 1:** Legislative hearing on the Outdoor School funding bill

<table>
<thead>
<tr>
<th>1.0 Decision-making Criteria</th>
<th>Yes</th>
<th>No</th>
<th>2.0 Board Notification Required</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Related to District Mission?</td>
<td>X</td>
<td></td>
<td>1. Law-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Board taken position?</td>
<td>X</td>
<td></td>
<td>2. Rule-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. District commitment?</td>
<td>X</td>
<td></td>
<td>3. Regulatory permitting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Hair standing up?</td>
<td>X</td>
<td></td>
<td>5. Judicial proceeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Result:** Commenting permissible without Board check in.  
**Result:** Board notification required.

**Example 2:** Troutdale Energy Facility Permitting

<table>
<thead>
<tr>
<th>1.0 Decision-making Criteria</th>
<th>Yes</th>
<th>No</th>
<th>2.0 Board Notification Required</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Related to District Mission?</td>
<td>X</td>
<td></td>
<td>1. Law-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Board taken position?</td>
<td>X</td>
<td></td>
<td>2. Rule-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. District commitment?</td>
<td>X</td>
<td></td>
<td>3. Regulatory permitting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Hair standing up?</td>
<td>X</td>
<td></td>
<td>5. Judicial proceeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Result:** Commenting not permissible without Board check in.  
**Result:** Board notification required.
Example 3: Support letter for Grow Portland’s USDA grant for Future Market to Garden project

<table>
<thead>
<tr>
<th>1.0 Decision-making Criteria</th>
<th>Yes</th>
<th>No</th>
<th>2.0 Board Notification Required</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Related to District Mission?</td>
<td>X</td>
<td></td>
<td>1. Law-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Board taken position?</td>
<td>X</td>
<td></td>
<td>2. Rule-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. District commitment?</td>
<td>X</td>
<td></td>
<td>3. Regulatory permitting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Hair standing up?</td>
<td>X</td>
<td></td>
<td>5. Judicial proceeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Result:** Commenting permissible without Board check in.

Example 4: Portland Airport Signage

<table>
<thead>
<tr>
<th>1.0 Decision-making Criteria</th>
<th>Yes</th>
<th>No</th>
<th>2.0 Board Notification Required</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Related to District Mission?</td>
<td>X</td>
<td></td>
<td>1. Law-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Board taken position?</td>
<td></td>
<td></td>
<td>2. Rule-making</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. District commitment?</td>
<td></td>
<td></td>
<td>3. Regulatory permitting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Hair standing up?</td>
<td></td>
<td></td>
<td>5. Judicial proceeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Result:** Commenting not permissible.

**Result:** N/A
Policy 1.1.19: Addressing Resource Concerns
East Multnomah Soil & Water Conservation District

Policy originally approved by EMSWCD Board of Directors on: February 3, 2003
Policy revised and approved by EMSWCD Board of Directors on: 

---

In this Policy

1.0 Policy Scope ............................................................................................................................................ 1
2.0 Context.................................................................................................................................................... 1
3.0 Addressing a Resource Concern.............................................................................................................. 2

---

1.0 Policy Scope
This policy concerns EMSWCD’s response to pollution, deleterious farming practices, or other resource concerns on a property within EMSWCD’s jurisdictional boundaries. EMSWCD may be made aware of such an issue via direct observation by a board member, employee, volunteer, or contractor. EMSWCD may also be made aware of such an issue due to a public report or complaint.

2.0 Context
EMSWCD is a non-regulatory local government agency. As such, EMSWCD works with landowners, land managers, and other residents within its jurisdictional boundaries on a voluntary basis only. EMSWCD does not enforce federal, state, or local statutory or regulatory provisions. EMSWCD also does not work with landowners, land managers, and other residents to address resource concerns on their property if they do not voluntarily want to do so.¹ EMSWCD is also a public agency. As a public agency, much of the work and associated documentation and records are public records and available to the public upon request. As such, while EMSWCD will not broadly advertise where it is addressing resource concerns, in some cases it may not be able to keep the information confidential. Likewise, while EMSWCD attempts to maintain a “non-reporting”/neutral role when it comes to resource concerns, in some cases (as described below), it may have to fulfill its public duty to report a dangerous situation.

¹ In some cases, EMSWCD also works on a voluntary basis to obtain property rights. Once EMSWCD holds some or all property rights associated with a parcel in question, EMSWCD may be a position from a proprietary sense, as opposed to a regulatory sense, to work with a landowner, land manager, or other constituent to take corrective actions.
3.0 Addressing a Resource Concern

If the EMSWCD is made aware of a potential resource problem being caused by a landowner, land manager, or other person within EMSWCD’s jurisdictional boundaries, the steps below will be taken by EMSWCD employees. However, if the issue is immediately threatening to human life, 911 should be called immediately.

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answer</th>
<th>When no public complainant</th>
<th>When public complainant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Is issue within district mission and service area?</td>
<td>No</td>
<td>No further action.</td>
<td>Contact complainant to explain. Refer to appropriate agency.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Consult with supervisor. Supervisor assigns lead who investigates further. Proceed to Question 2.</td>
<td></td>
</tr>
<tr>
<td>2 Is there a potential valid resource concern?</td>
<td>No</td>
<td>Consult with supervisor. Upon agreement, no further action.</td>
<td>Consult with supervisor. Upon agreement, contact complainant to explain. Refer to appropriate agency if complainant not satisfied.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Proceed to Question 3.</td>
<td></td>
</tr>
<tr>
<td>3 Is there an imminent threat to human life or limb?</td>
<td>No</td>
<td>Investigate further. Proceed to Question 4.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>If possible, consult with supervisor. Upon agreement, contact appropriate authorities as soon as possible. Notify Executive Director and the Board of Directors at the first practical opportunity.</td>
<td></td>
</tr>
<tr>
<td>4 Is there a valid resource concern?</td>
<td>No</td>
<td>Consult with supervisor. Upon agreement, no further action.</td>
<td>Consult with supervisor. Upon agreement, contact relevant landowner/manager/constituent. Proceed to Question 5.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Consult with supervisor. Upon agreement, contact relevant landowner/manager/constituent. Proceed to Question 5.</td>
<td></td>
</tr>
<tr>
<td>5 Is landowner/manager/constituent willing to address concern?</td>
<td>No</td>
<td>Consult with supervisor. Upon agreement, no further action.</td>
<td>Consult with supervisor. Upon agreement, contact complainant to explain. Refer to appropriate agency if complainant not satisfied.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Consult with supervisor. Upon agreement, work with landowner/manager/constituent to address concern. Contact complainant to explain status.</td>
<td></td>
</tr>
</tbody>
</table>