**Personnel Committee Meeting Agenda**  
**East Multnomah Soil and Water Conservation District**  
Monday, December 17, 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>
<th>Packet</th>
</tr>
</thead>
</table>
| 1      | 4:00 | Welcome and Call to Order:  
- Review/revise agenda  
- Previous action items  
- Approval of Minutes | Information/Decision | Guebert | a. July 2018 Meeting Minutes |
| 2      | 4:05 | Time reserved for public comment ¹ | Information | Public | n/a |
| 3      | 4:10 | Draft Personnel Policies | Decision | Udelhoven | To be considered for approval *  
Status update only ~  
a. Introduction/Index *  
b. Time Off/Leave *  
c. Open Door/Grievances *  
d. Workplace Safety ~  
d1. Survey of Organizations  
d2. SDAO, OACD, Counsel  
d3. Metro Policy  
e. Performance Reviews *  
f. Professional Development *  
g. Non-Pay Benefits *  
h. Separation/Discipline ~  
i. Public Commenting ~ |

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. Policies followed by an asterisk (*) may be considered for approval. Policies followed by a tilde (~) are will be presented as status updates and discussion purposes only.

<table>
<thead>
<tr>
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<th>Purpose</th>
<th>Presenter</th>
<th>Packet</th>
</tr>
</thead>
</table>
| 4      | 6:00 | • Announcements and Reminders  
• Action Items  
• Adjourn | Information | Guebert | n/a |

**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>
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<tbody>
<tr>
<td>Vacant</td>
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<td>July</td>
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<tr>
<td>Laura Masterson</td>
<td>Zone 2 Director</td>
<td>X</td>
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<td>6</td>
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<tr>
<td>Mike Guebert</td>
<td>Zone 3 Director</td>
<td>Treasurer</td>
<td>Chair</td>
<td>September</td>
<td>10</td>
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<tr>
<td>Rick Till</td>
<td>At-Large 1 Director</td>
<td>Chair</td>
<td>X</td>
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<tr>
<td>Allison Hensey</td>
<td>At-Large 2 Director</td>
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<td>Dianna Pope</td>
<td>Director Emeritus</td>
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<td></td>
<td>December</td>
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<td>17</td>
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<td>Carrie Sanneman</td>
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<td></td>
<td></td>
<td>January</td>
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<tr>
<td>Mike Gerel</td>
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<td></td>
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<td>March</td>
<td>4</td>
<td>TBD</td>
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<td>April</td>
<td>1</td>
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<td>June</td>
<td>3</td>
<td>TBD</td>
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¹ Each member of the public who wishes to speak shall be given approximately 3 minutes.
### Attendees

<table>
<thead>
<tr>
<th>Committee Members</th>
<th>Laura Masterson</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mike Guebert, Chair</td>
</tr>
<tr>
<td></td>
<td>Rick Till</td>
</tr>
<tr>
<td>Committee Members, not</td>
<td>Jay Udelhoven, Executive Director</td>
</tr>
<tr>
<td>attending</td>
<td>Lissa Adams, Chief of Finance &amp;</td>
</tr>
<tr>
<td></td>
<td>Operations</td>
</tr>
<tr>
<td></td>
<td>Kathy Shearin, Urban Lands</td>
</tr>
<tr>
<td></td>
<td>Program Manager</td>
</tr>
<tr>
<td></td>
<td>Julie DiLeone, Rural Lands</td>
</tr>
<tr>
<td></td>
<td>Program Manager</td>
</tr>
<tr>
<td></td>
<td>Lindsay Nelson, Office Manager</td>
</tr>
<tr>
<td></td>
<td>Jeremy Baker, Senior Rural</td>
</tr>
<tr>
<td></td>
<td>Conservationist</td>
</tr>
<tr>
<td>Guests</td>
<td>There were no guest present</td>
</tr>
</tbody>
</table>

### Item # | Time | Agenda Item                                                                 | Purpose          | Presenter | Packet                                                                 |
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>1</td>
<td>4:10</td>
<td>Welcome and Call to Order:</td>
<td>Information/</td>
<td>Guebert</td>
<td>a. March 13, 2018 Meeting Minutes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Review/revise agenda</td>
<td>Decision</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Previous action items</td>
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<tr>
<td></td>
<td></td>
<td>• Approval of Minutes</td>
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Meeting called to order at 4:10pm

- Guebert announced revisions to the agenda.
  - Agenda item 4, exit interview, would not take place during the Committee meeting but instead at a later time.
  - Udelhoven informed the Committee that the wrong version of some of the new policies were sent in error in the Committee packet and provided hard copies of the corrected versions.
  - Udelhoven requested to change agenda item 1’s “decision” to a “discussion.”
  - Udelhoven requested to omit agenda item 3i from the agenda and from the employee handbook because it is no longer a covered benefit.
- Udelhoven reviewed previous action items.

MOTION: Till moved to approve the March, 2018 Personnel Committee meeting minutes

Masterson 2nds
All in favor—motion passes unanimously

### Item # | Time | Agenda Item                                                                 | Purpose          | Presenter | Packet                                                                 |
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>4:18</td>
<td>Time reserved for public comment</td>
<td>Information</td>
<td>Public</td>
<td>n/a</td>
</tr>
</tbody>
</table>

- No members of the public were in attendance.

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1 Each member of the public who wishes to speak shall be given approximately 3 minutes.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Draft Personnel Policies</th>
<th>Decision</th>
<th>Udelhoven</th>
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<tbody>
<tr>
<td>3</td>
<td>4:18</td>
<td>Draft Personnel Policies</td>
<td>Decision</td>
<td>Udelhoven</td>
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</table>

- 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
Udelhoven presented the next round of draft personnel policy updates and requested to discuss the changes rather than decide on the changes due to the Committee having limited time and staff wanting more to review the changes.

Udelhoven provided details on updates made to the policies.

- The tort liability policy was removed from the introduction/index. It is no longer a covered benefit from ODA.
- Udelhoven added the Bone Marrow Leave of Absence policy to the Time Off/Leave section as mandated by SDAO.
- There were a couple of small changes to the Open Door/Grievances section. At the end of section 1 that makes explicit that staff can submit anonymously. A new section was also made, 3.0 Conflict Resolution that states that staff will seek to resolve internal conflict via staff to staff with assistance from relevant supervisors, assistance from Executive Director, the Personnel Committee, and the Board if need be.
- Changed section 4.2 of Workplace Safety policy to clarify language used. He also looked at best practices from BOLI and instead of incorporating their entire policy, Udelhoven will keep it on file to reference.
  - A discussion was held on background checks and Ban the Box policies.
  - Under Performance Reviews, Udelhoven removed the form so that anytime there was an edit to the form, the policy did not have to be changed.
  - Udelhoven made the language consistent section 11.14 under Professional Development.
  - Udelhoven reported that Nelson is looking further into wellness and commuter incentives; however, he added the current wellness incentive the District employees already receive through Providence medical insurance.
  - Udelhoven added an FSA (flexible spending account) to the Non-Pay Benefit section and provided details on what the benefit covers and how much it would cost the district to add it if every employee took advantage of it.
    - Shearin pointed out that the policy as written, states that the FSA is specifically used for childcare. Udelhoven will remove it so that it simply states FSA.
  - Under section 2 of the Discipline and Separation policy, Udelhoven made clarifications requested by the Committee at the previous meeting.
    - Till pointed out that under the second bullet, the word “deferred” should be changed to “referred.”
    - Udelhoven explained that the policy is worded to state that it is the Executive Director’s decision to terminate; however, the Personnel Committee and the Board has the authority to oppose that decision.
    - Guebert pointed out that in the middle of the larger paragraph, second set bullet, it currently states that “the objective will request” instead of “the objection will request.”
    - It was suggested that the language be changed from “may” to “shall.”
    - Masterson requested to clarify “sufficient time” in the very first sentence. She suggested adding that everyone on the Committee must respond instead of “sufficient time.”
    - Baker brought up that the policy states that an Executive Director “may” instead of “shall,” implying that he or she may choose to follow the steps listed in the policy or choose not to.
  - There was a discussion on an at will termination vs. layoff.
    - Masterson requested that Udelhoven insert a brief description of an at will termination and a layoff.
    - Till commented that the current practice is that the Board will be involved in any newly created positions as well as any eliminated positions.
    - Baker brought up the order in which the Discipline and Separation policy is labeled. There was a discussion on how it is labeled and a suggestion was made to flip “Discipline” and “Separation.”
  - DiLeone requested to look back on section 4 in the appeal process. It mentions that the Board Chair can decide. The group agreed that it should state that either the Board or the Personnel Committee can make the decision on an appeal.
  - Udelhoven requested to strike Tort Liability and remove it from the personnel policies.
  - Under Public Commenting, Udelhoven added section 4, the common letter formatting to add a level of professionalism.
  - Udelhoven summarized the revisions to Addressing Resource Concerns and compared it to the policy that is currently in place.
    - A discussion was held on the language used in the policy and what negative affects it may have on the Rural Lands program and the organization as a whole.
    - There were concerns that this policy, as written, would put EMSWCD in a regulatory position rather than a non-regulatory government agent.
    - Guebert suggested to further discuss this policy in more detail at a Board meeting rather than at a Personnel Committee meeting.
DRAFT Personnel Committee Meeting Minutes
East Multnomah Soil and Water Conservation District
(October 20, 2018)
Friday, July 27, 2018, 4:00 PM – 6:00 PM
5211 North Williams Ave, Portland OR

4 5:40 Exit Interview Discussion Guebert/Adams n/a

- This agenda item was removed and it was announced that Adams will meet with one Board member at a later time.

5 5:47
- Announcements and Reminders Information Guebert n/a
- Action Items
- Adjourn

- The Committee decided on future Personnel Committee meeting dates through December, 2018.

Meeting adjourned at 5:55 pm.

<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>7/27/18</td>
<td>Gather more input from the EMSWCD Staff on Policy.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Pending</td>
</tr>
<tr>
<td>7/27/18</td>
<td>Forward the communication/information provided by ODA detailing the changes to tort liability.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Complete</td>
</tr>
<tr>
<td>7/27/18</td>
<td>Verify that the edited whistle blowing policy included input from SDAO.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Complete</td>
</tr>
<tr>
<td>7/27/18</td>
<td>Highlight changes to the correct policies and resend to the Board.</td>
<td>Udelhoven</td>
<td>ASAP</td>
<td>Complete</td>
</tr>
<tr>
<td>7/27/18</td>
<td>Conduct an exit interview with Adams separately.</td>
<td>Guebert/Till</td>
<td>ASAP</td>
<td>Complete</td>
</tr>
</tbody>
</table>

EMSWCD Board Members, Officers and Meeting Dates:

<table>
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<tr>
<th>Members</th>
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</thead>
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<tr>
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<td>Zone 1 Director</td>
<td></td>
</tr>
<tr>
<td>Laura Masterson</td>
<td>Zone 2 Director</td>
<td>X</td>
</tr>
<tr>
<td>Mike Guebert</td>
<td>Zone 3 Director</td>
<td>Treasurer Chair</td>
</tr>
<tr>
<td>Rick Till</td>
<td>At-Large 1 Director</td>
<td>Chair X</td>
</tr>
<tr>
<td>Allison Hensey</td>
<td>At-Large 2 Director</td>
<td>Secretary</td>
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<tr>
<td>Dianna Pope</td>
<td>Director Emeritus</td>
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<td>Carrie Sanneman</td>
<td>Associate Director</td>
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<tr>
<td>Mike Gerel</td>
<td>Associate Director</td>
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</table>

EMSWCD Personnel Meeting December, 2018 - Item 1a
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 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>
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<td>Handbook Introduction, Index, and Employee Signature</td>
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<td>1.1.2</td>
<td>Job Families, Classifications, and Positions</td>
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<td>1.1.3</td>
<td>Salaries and Wages</td>
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<td>Position Parameters</td>
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<td>Scheduling, Breaks, and Overtime</td>
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<td>Time Off/Leave</td>
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<td>Open Door, Grievances, and Whistle Blower</td>
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<td>1.1.11</td>
<td>Workplace Safety</td>
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<td>1.1.12</td>
<td>Emergency Action Plan</td>
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<td>1.1.13</td>
<td>Employee Annual Performance Reviews</td>
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<td>Separation from Service and Disciplinary Actions</td>
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<td>1.1.17</td>
<td>Public Commenting</td>
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<td>1.1.18</td>
<td>Provision of Clothing, Equipment and Supplies</td>
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<td>1.2.0</td>
<td>Administration</td>
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<td>Filing Categories &amp; Retention</td>
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<td>Public Contracting</td>
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<td>Board &amp; Committees</td>
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<td>Board &amp; Committees Policies and Procedures</td>
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<td>Public Meetings</td>
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<td>Security Alarm Procedures</td>
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<td>Vehicle Use and Accident Procedures</td>
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<tr>
<td>1.5.3</td>
<td>Time Keeping and Payroll</td>
<td>~</td>
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</tbody>
</table>
### POL # | Subject Areas | Date
--- | --- | ---
1.6.0 | Marketing | ~
1.6.1 | Media and Outreach Responsibilities | ~
1.6.2 | Branding Guide | ~
1.7.0 | Information Technology | ~
1.7.1 | Cyber-Security | ~
1.7.2 | Use of District I.T. Equipment | ~
1.7.3 | Replacement of I.T. Equipment | ~
2.0.0 | Land-based Assistance | ~
2.0.1 | Integrated Pest Management | 2012
2.0.2 | Addressing Resource Concerns | 2003
3.0.0 | Conservation Legacy | ~
3.1.0 | Land Legacy | ~
3.1.1 | Land Conservation Program Establishment | 2013
3.2.0 | Grants | ~
3.2.1 | Grant Disclosure & Avoidance of Bias | 2014
3.2.2 | Grant Program Decision-making | 2015
3.2.3 | Partners in Conservation (PIC) Process and Criteria | 2015
3.2.4 | Strategic Conservation Investment (SCI) Grants | 2016
3.2.5 | Cooperative Landowner Incentive Program (CLIP) Guidelines and Process | 2018
3.3.0 | Headwaters | ~
3.3.1 | HIP Farmer’s Manual | 2015
3.3.2 | HIP Fine Structure | 2013
3.3.3 | Headwaters Farm Opportunities for Private Events | 2015
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 provided (or opted not to provide) EMSWCD with my emergency medical information.

☐ I have received a copy of the EMSWCD staff and board contact list
Policy 1.0.1: Employee Handbook Introduction

East Multnomah Soil & Water Conservation District

October 2, 2017

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

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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
Policy 1.1.8: Time Off / Leave Time

Date to be completed

East Multnomah Soil & Water Conservation District

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</th>
</tr>
</thead>
<tbody>
<tr>
<td>First year</td>
<td>Prorated based on # days employed /month</td>
<td>6.67 hours</td>
<td>80 hours</td>
<td>2 work weeks</td>
</tr>
<tr>
<td>Years 2 – 5</td>
<td></td>
<td>10 hours</td>
<td>120 hours</td>
<td>3 work weeks</td>
</tr>
<tr>
<td>Years 6 – 10</td>
<td></td>
<td>13.33 hours</td>
<td>160 hours</td>
<td>4 work weeks</td>
</tr>
<tr>
<td>Years 11 - 14</td>
<td></td>
<td>15 hours</td>
<td>180 hours</td>
<td>4.5 work weeks</td>
</tr>
<tr>
<td>Starting year 15</td>
<td></td>
<td>16.67 hours</td>
<td>200 hours</td>
<td>5 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

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\(^1\) 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."
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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.

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2 Approved by the EMSWCD Board of Directors on June 1, 2015.
3 This is not restricted to the primary caretaker.
Policy 1.1.8: Time Off / Leave Time
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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, full-time 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, full-time 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 Leave

**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.\(^4\) 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
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Date to be completed

the employee’s contact information. If this will not possible, prior alternative “check-in” arrangements must be made.

- Insurance coverage will be maintained for employees while on sabbatical leave for the months that employees are able to intersperse on average at least 20 hours per week of accrued paid leave.
- Insurance coverage will not be maintained for employees while on unpaid sabbatical leave during months that employees intersperse on average less than 20 hours per week of accrued paid leave. Employees 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 Accrual of Benefits During Paid and Unpaid Leave**

All employees who are actively at work or on paid leave (for a minimum of 20 hours per week), such as vacation leave, holiday leave, wellness leave, and paid domestic leave, will continue to accrue normal employee benefits provided by EMSWCD. Employees on unpaid leave (over 20 hours per week) are not entitled to continue accruing normal employee benefits. This includes employees who are receiving income replacement benefits from a source other than EMSWCD, such as short-term disability, long-term disability, or workers’ compensation insurance. While benefits do not accrue during unpaid leave, they are resumed at the same level upon return to at least 20 hours per week of work or paid leave.

**15.0 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.
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 expertise, 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. Should employees feel hesitant to give suggestions directly to their supervisor or the Executive Director, they may submit anonymous input via notes or mail to their supervisor, the Executive Director, the Personnel Committee, and the Board of Directors.

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 Conflict Resolution
EMSWCD will seek to resolve internal conflicts via: 1) staff to staff; 2) with the assistance of relevant supervisors; 3) with the assistance of the Executive Director; 4) with the assistance of the Personnel Committee or Board of Directors; and, when determine appropriate by the Executive Director, Personnel Committee, or Board of Directors, 5) with the assistance of an external, neutral third-party, such as a professional mediator.

4.0 Whistleblowing
The procedures below are provided specifically for employees, board members, volunteers, and contractors who become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.1 The Oregon Bureau of Labor and Industries provides an online course, “Whistleblower Rights,” which is available to staff; the course focuses on health and safety, but is generally applicable to whistleblowing.3

4.1 Reporting
EMSWCD encourages any employee, board member, volunteer, and contractor with knowledge of or concern of an illegal, dishonest, or fraudulent activity related to EMSWCD in any way, to report it to a supervisor, the Executive Director, or the Personnel Committee (or committee member or other board member). The employee, board member, volunteer, and contractor 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.

4.2 False Reporting
When reporting suspected illegal, dishonest, and/or fraudulent activities, employees, board members, volunteers, and contractors 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.

4.3 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.

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1 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.

2 For a Question & Answer on Whistleblowing, see: https://www.oregon.gov/boli/TA/pages/t_faq_whistleblowing.aspx

3 See: https://osha.oregon.gov/edu/courses/Pages/whistleblower-online-course.aspx
4.4 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 whistle blower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

4.5 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.
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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 employment and criminal background checks prior to making final employment decisions consistent with legal restrictions and Oregon
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Bureau of Labor and Industry best practices.1 2 3 Policy 1.1.4 details the process for background checks.

- **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.
- **Weapons**: As per EMSWCD Policy 1.1.9, employees and volunteers are prohibited from possessing firearms and other weapons while representing EMSWCD. Policy 1.1.9 should be consulted for details.

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.

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1 For a Q&A on “Ban the Box,” see: [https://www.oregon.gov/boli/TA/Pages/Ban-the-Box.aspx](https://www.oregon.gov/boli/TA/Pages/Ban-the-Box.aspx)
2 The Uniform Guidelines on Employee Selection Procedures provide helpful information related to criminal background checks in relation to job exclusions; see: [http://www.uniformguidelines.com/uniform-guidelines.html](http://www.uniformguidelines.com/uniform-guidelines.html)
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.

4.7 Use of Force
While EMSWCD employees are strongly discouraged from becoming physically engaged in any altercation, in some cases an employee, acting on her/his own behalf as a private citizen, 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 during work hours 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:
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- 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:
Policy 1.1.11: Workplace Safety
East Multnomah Soil & Water Conservation District

- Proximity to chainsaws:
- Operation of bulldozer:
- 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 dosimeter 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 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
Policy 1.1.11: Workplace Safety

East Multnomah Soil & Water Conservation District

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. Employees 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.

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A complete list of mandated reporters can be accessed at:
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<th>Entity</th>
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<th>Notes</th>
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<tr>
<td>Counsel 2</td>
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<td>Risk to district if not done</td>
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From: Eileen Eakins <eileen@eakinslaw.com>
Sent: Wednesday, November 28, 2018 4:20 PM
To: Jay Udelhoven <jay@emswcd.org>
Subject: RE: background checks on new hires?

Jay:

I concur.

As I said in my prior email, the risk of exposure is higher if the employee is expected to be placed in a situation where there is a higher risk of harm, the harm happens, and it is determined that the risk could have been discovered and/or prevented if the employer had conducted a background check. Not every employee’s job description poses the same risk. If an employee handles money, that employee’s criminal and credit history is relevant. If an employee will be driving on company time, that employee’s driving record should be investigated, etc. On the other hand, an employee who works in a back office doing data processing may not pose much of a risk of harm, but it would be better to do background checks on everyone and come up with nothing than to not do them and risk liability.

Eileen G. Eakins
Law Office of Eileen Eakins, LLC
7455 SW Bridgeport Road, Suite 205
Tigard, OR 97224
(503) 607-0517

From: Jay Udelhoven <jay@emswcd.org>
Sent: Wednesday, November 28, 2018 3:44 PM
To: Eileen Eakins <eileen@eakinslaw.com>
Subject: RE: background checks on new hires?

Hi again Eileen – The excerpt below is from a somewhat dated OACD handbook.

Would you concur that there may be liability if we did not conduct background checks?

- Jay

**Tort Liability Arising from Hiring Decisions**

Employers who fail to conduct adequate background checks on applicants may, in certain situations, expose their organizations to liability for negligent hiring.
As a preliminary matter, the tort of negligent hiring should be distinguished from traditional
derivative negligence theories. Unlike derivative negligence under the doctrine of respondent
superior, which makes an employer liable only for the negligent acts of its employees committed
during the course and scope of the employee's authority, "negligent hiring" focuses on the
employer's negligence in placing an employee in a position where it is reasonably foreseeable
that (s)he will injure someone else.

Because "negligent hiring" focuses on the placement of the person in an inappropriate job
position, the timing of the incident that causes injury or damage to a third party is irrelevant. In
a suit for negligent hiring, an employer may be held liable for injuries caused by the
foreseeable acts of an employee, irrespective of whether the employee committed the
acts within the scope of his/her employment or was, in fact, actually violating the
employer's policies or work rules in committing the act.

Inasmuch as this cause of action arises in negligence, the party bringing such a claim must
establish the basic elements of negligence, i.e., that (s)he was owed a duty of care, that the
duty was breached and that (s)he suffered damages as a result. As a general rule, an
employee may not maintain a negligent hiring or retention claim against his/her employer or its
agents.

In addition to establishing the existence of a duty to exercise care, the party seeking
damages for negligent hiring must prove that the employer's negligence caused his/her
injury. Foreseeability is an important part of proving causation. Under the tort of
negligent hiring, employers are legally responsible for the conduct of a reckless or
violent employee, if the conduct was foreseeable. The injured party's case rests upon
their ability to prove that a reasonable "non-negligent" investigation of the applicant's
background would have disclosed information that should have caused a reasonable
employer to reject the applicant.

The Oregon courts are among the majority of courts throughout the nation to recognize the tort
of negligent hiring. Negligent hiring was first recognized as actionable by the Oregon Supreme
Court in 1955. More recently, the Oregon Court of Appeals described liability for negligent
hiring as follows:

"... Liability is for negligently placing an employee with known dangerous
propensities, or dangerous propensities which could have been discovered by a
reasonable investigation, in a position where it is foreseeable that he could injure
the plaintiff in the course of the work. The duty to use reasonable care in hiring
or retaining employees arises because it is foreseeable that the employee in
carrying out his employment may pose an unreasonable risk of injury to
others." Chesterman v. Barmon, 82 Or App 1, 727 P.2d 130, 1 IER 1385

The following cases represent typical examples of costly negligent hiring mistakes:

• **Quinonez v. Anderson, 696 P.2d 1342.** The children of a woman who was killed in an
accident may recover against the employer who hired the driver who caused the
accident. The employer hired the driver without an investigation of his poor driving
record.
• **Pruitt v. Pavlin, 685 P.2d 1345 (1984).** Employer held liable for $200,000 theft by an employee with a past criminal record. Employer would have discovered the criminal record with a reasonable background investigation and placed the employee in a position where it was reasonably foreseeable that a theft would occur.

From: Eileen Eakins <eileen@eakinslaw.com>
Sent: Wednesday, November 28, 2018 10:49 AM
To: Jay Udelhoven <jay@emswcd.org>
Subject: RE: background checks on new hires?

Hi, Jay:

I’ll give you my take, but if you haven’t already I recommend checking with SDAO/SDIS to see what they recommend. I believe they have resources available to do background checks if you need them.

In my opinion, background checks beyond just checking references should be done in potentially high-risk situations, such as if staff will be working with children or people with special needs, or managing money. It may also be a good idea to do them for everyone, to avoid inadvertent discrimination and to help negate the “scaring people off” problem. Just remember that Oregon law now prohibits asking about criminal convictions as well as salary history prior to a conditional job offer. You can still do criminal background checks, but you can’t ask about them on an application or use prior criminal convictions as an automatic basis for discrimination against a potential candidate. You can ask about criminal history in an interview, but not salary history.

From a risk-management standpoint, in my opinion it is better to do background checks on all employees rather than on some or none, provided all employees are screened in the same way so that the District isn’t accused of doing them in a discriminatory fashion.

Here are a couple of links that may be helpful, regarding state and federal law, respectively:

https://www.oregon.gov/boli/TA/Pages/Ban-the-Box.aspx
https://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm

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7455 SW Bridgeport Road, Suite 205
Tigard, OR 97224
(503) 607-0517
From: Monica Harrison <mharrison@sdao.com>
Sent: Monday, November 26, 2018 11:59 AM
To: Jay Udelhoven <jay@emswcd.org>
Subject: RE: background checks on new hires?

Good morning Jay

Regarding background checks, I would recommend always doing them on new hires. That being said I would recommend following this process:

1) In advertising of positions, outline that a background check is a part of the hiring process
2) Only conduct a background check on the person you extend an offer to
   a. In the offer letter the language can be that the offer of this position is contingent upon the successful completion of a background check etc.
3) Ensure that the person(s) you conduct a background check on have signed an authorization form permitting the background check before every conducting one
4) It would be helpful if you develop internally some guideline as to what you would rescind a job offer for and what you may accept. Example: you may accept a DUI that was five years ago, but you may not wish to accept a conviction for theft. The point here is to ensure that any potential new hires are treated consistently.

If I can offer any further assistance regarding your question and/or responses please let me know.

Monica

Monica Harrison, PHR, SHRM-CP, IPMA-SCP
HR Manager/Consultant
SDAO | 727 Center St. | Salem, OR 97301
p) 503-400-3130 | 800-285-5461 x130 | f) 503-400-3090
www.sdao.com
POLICY

In order to protect the wellbeing of its employees and the public and safeguard agency assets, Metro will conduct criminal background checks on all internal and external applicants selected as finalists for Metro positions, including internships and volunteer positions. In addition, this policy provides that current employees have an ongoing duty to disclose certain criminal convictions and other information as described below. The criminal background check is intended to assess individuals’ fitness for complying with the job requirements. This policy is administered by the Human Resources Department with oversight by the Office of Metro Attorney.

Applicable to

Current employees and internal and external applicants for Metro positions, including internships and volunteer positions.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

Definitions

**Arrest:** A criminal charge that may or may not have resulted in immediate incarceration or a subsequent conviction.

**Child Care Division Central Background Registry:** A registry maintained by the State of Oregon to ensure that all individuals working in or associated with childcare facilities and education programs receive criminal history and child protective services record checks.

**Direct Unsupervised Access:** Contact with children that provides an employee, volunteer or intern with the opportunity for personal communication or touch when not under the direct supervision of a childcare provider or another employee. OAR 414-061-0020.

**Fair Credit Reporting Act (FCRA):** FCRA is a federal law that regulates how consumer-reporting agencies use personal information.

Guidelines

1. A criminal background check will be conducted for all applicant finalists for Metro jobs. Individuals who do not disclose all convictions requested on the application form may
be denied employment due to falsification of the application, as well as denied other employment opportunities for six months afterwards. Omissions discovered after employment may result in termination.

2. Finalists for positions with direct unsupervised access to children will be required to register with the State of Oregon’s Child Care Division Central Background Registry.

3. Current employees are required to disclose criminal convictions that are drug-related or that relate to the qualifications or duties of their position. Current employees whose essential functions include driving, safety and security, financial and fiduciary responsibility, or direct unsupervised access to children must also disclose arrests that relate to these functions.

Procedures

1. A criminal conviction will not necessarily bar an employee from hire or continued employment with Metro. HR will consider the following criteria when reviewing a conviction record:

   a. Nature, gravity and frequency of the offense;

   b. Duties of the position the employee holds or for which the candidate is applying;

   c. Age of the individual at the time of conviction;

   d. Time that has passed since the conviction;

   e. Rehabilitation and/or other court-ordered treatment completed, if any;

   f. Employee's entire work record or the applicant's work qualifications in total, rather than only one aspect of the individual's history.

2. An applicant who is still on probation or parole may be denied employment based on the above criteria. If a pre-employment arrest leads to a conviction after hire, it will be evaluated by Human Resources and the Office of Metro Attorney.

3. In addition to convictions, finalists for positions that involve financial or fiduciary responsibilities, safety and security, or direct unsupervised access to children may be denied a position because of underlying conduct leading to arrest in certain very limited circumstances. While an arrest itself is not a bar to employment, employment may be denied if the conduct underlying the arrest makes the individual unfit for the specific position. A consultation with the Office of Metro Attorney is required prior to rendering a no-hire decision based on an arrest record or an “open case” with Child Protective Services.

4. Metro may conduct a criminal background check for current employees who transfer or promote to, or work out of class in, positions with responsibilities that include safety and security, financial or fiduciary duties, or direct unsupervised access to children. A criminal background check may also be conducted if there is reason to believe that an arrest or undisclosed conviction has occurred that may be relevant to the safety of employees and customers or to the integrity of the organization.

5. All finalists will be provided a disclosure and will be required to sign a consent form for a background check. Metro will contract with an outside vendor to conduct criminal
background checks. All background checks will comply with Fair Credit Reporting Act (FCRA) requirements. If a finalist is not hired due to the background check, he or she will receive an “adverse action letter” including a notice of the individual's right to obtain a free copy of the report from the agency and to dispute with the agency the accuracy or completeness of the information. The agency can then conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate. If it is determined that the initial information was inaccurate, Metro may choose to hire the finalist.

6. Current employees must self-report criminal convictions that are drug-related or that relate to the qualifications or duties of the employee's position. Reports should be made to Human Resources or the Office of Metro Attorney within 5 calendar days of conviction. This requirement is consistent with the Drug-Free Workplace Act, which imposes specific reporting requirements on federal grantees and contractors for drug-related convictions.

7. At the time of the standard pre-employment background check procedures, Human Resources will complete a driving record check. Finalists whose primary and essential duty will be driving a vehicle for Metro must successfully pass the driving record check. If the driving record does not meet Metro standards, Human Resources will reject the applicant.

8. An employee who drives for Metro as a primary function of his or her position must report all driving-related arrests and suspensions (in addition to convictions) within 5 calendar days.

9. An employee whose essential functions include safety and security, financial and fiduciary responsibility, or direct unsupervised access to children must report all arrests (in addition to convictions) related to these functions within 5 calendar days.

10. If a current employee's background check or self-report discloses a conviction or arrest that is relevant to the employee's ability to perform in his or her current position, the employee's employment in that position may be impacted. OMA and HR will evaluate such situations and determine the appropriate outcome.

Expunged records

11. Applicants and employees shall not report convictions that have been expunged by a court.

Responsibilities

All applicants are required to disclose convictions and sign a background check authorization form in order to proceed in the hiring process. Applicants may be asked to provide supplemental information and should do so in a timely manner to be considered further for employment.

Employees:

- Report any criminal convictions that are drug-related or that relate to the qualifications or duties of the employee's position to Human Resources or the Office of the Metro Attorney within 5 calendar days of conviction.
- Report driving-related arrests, suspensions and convictions within 5 calendar days if the employee drives for Metro as a primary function of his or her position.
• Report arrests within 5 days if they relate to the employee’s essential functions related to safety and security, financial and fiduciary responsibility, or direct unsupervised access to children.
• Refrain from conducting their own unofficial background checks on potential employees.

**Supervisors:**

• Make offers contingent upon passing background checks and other pre-employment screenings.
• Hire a finalist only after receiving notification from HR that the finalist has successfully passed all applicable background checks.
• Ensure confidentiality of information.

**Human Resources:**

• Be responsible for the background check process. HR staff are the only persons authorized to administer the process and obtain information related to background checks.
• Provide finalists with information about their rights under FCRA and disclose that a “consumer report” will be obtained for employment purposes, when applicable.
• Ensure confidentiality and prompt processing of the information.

**Office of Metro Attorney:**

• Provide legal counsel to Human Resources to guide decision-making under this policy.
• Determine applicants’ suitability for employment based on the information obtained through the recruitment process and forward recommendations to HR.
Policy 1.1.13: Employee Annual Performance Reviews
East Multnomah Soil and Water Conservation District

October 2, 2017

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

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; all substantive changes must be approved by the Personnel Committee.

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:

- 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:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

f. Prior to the performance review meetings, direct reports should complete their portions of the Employee Annual Performance Review form and then send the completed form to their supervisor.

g. Supervisors should then complete their portions of the form Section 4.0 through 9.0 for the Executive Director’s initial review. The Executive Director will provide input to supervisors on staff 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.

h. 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.

i. 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.

j. Prior to the performance review meetings, supervisors and direct reports should separately review relevant job descriptions, identifying any areas that need updating or changing.

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, Great, and/or Fair.</td>
<td>2.0%</td>
</tr>
<tr>
<td>Fair</td>
<td>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 Fair. <strong>NOTE:</strong> 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.</td>
<td>1.0% - 0.0%</td>
</tr>
<tr>
<td>Poor</td>
<td>Unacceptable level of performance: Met relevant general indicators and more specific positive indicators ~&lt;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.</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
### 3.0 Examples of Performance Indicators

#### 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.

#### Values: Positive Indicators for Transparency
- Proactively provides timely, thorough, and accurate information about activities to the EMSWCD, public, partners and others, as appropriate.
- Responds to requests for information from the EMSWCD, public, partners and others, in a timely, thorough, and accurate manner.
- Develops and maintains accurate, accessible reports/logs of work-related information and activities.

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

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

- Level of knowledge/skills to meet requirements of the position and evidence of desire to increase that knowledge/skill.
- Demonstrates initiative in starting and performing work tasks without direction.
- Organizes work to complete projects/tasks in timely manner.
- Organizes workload to reflect priorities of program/organization.
- Demonstrates flexibility in responding to changing needs and priorities.
- Cooperates when asked to perform extra work.
- Offers suggestions for improvements in handling work to be done.
- Pro-actively identifies potential problems, issues, or obstacles and develops appropriate contingency actions for resolution.
- Exercises good judgment in problem solving.
- Actions protected and/or improved the EMSWCD’s, public’s, and environment’s interests.
- Possesses and uses a level of critical thinking necessary for position.
- Provides necessary level of detail in assessments and explanations.
- Uses necessary resources, including latest advancements in science and thinking.
- Includes appropriate people/entities in decision-making and project activities.
- Provides services and deliverables on or before the necessary or prescribed deadline.

- Written products include:
  - Proper punctuation, capitalization, sentence structure;
  - Logical organization and flow of information;
  - Proper formatting, including headers, footers, fonts, numbering; and
  - Conformance to templates and branding.

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.

- Written products include:
  - Proper punctuation, capitalization, sentence structure;
  - Logical organization and flow of information;
  - Proper formatting, including headers, footers, fonts, numbering; and
  - Conformance to templates and branding.

Interpersonal Communication Skills

Interpersonal/communication skills are the tools people use to interact and communicate with individuals and groups in an organizational environment.

Verbal communication: How and what words are used to communicate with people. It is the ability to communicate verbally with the correct words, tone, and manner.

- Positive verbal communication: Speaking clearly and in a tone and level of voice that is appropriate for the circumstance.
- Negative verbal communication: mumbling; screaming; difficult to understand words or sentences; difficult to follow logic.

**Non-verbal communication:** Consists of facial expressions, body language, and hand gestures.
- Positive non-verbal communication: Animated, positive facial expressions, such as smiling; upright, attentive body position; use of hands to help explain complicated directions.
- Negative non-verbal communication: Frowns and angry stares; slouching, inattentive body position.

**Listening skills:** the ability to hear attentively and process information correctly.
- Effective listening skills: Pays attention when being addressed and lets speaker know when something is unclear.
- Ineffective listening skills: Does not pay attention when being addressed and/or does not let speaker know when something is unclear.

**Negotiation:** having the ability to discuss and reach an agreement in a professional manner.
- Good negotiation skills: listens, discusses, helps comes up with a fair solution.
- Poor negotiation skills: Doesn’t listen, doesn’t engage in a productive discussion, comes up with a one-side solution.

**Written Communication Skills**

There are three main elements to written communication:
1. structure (the way the content is laid out)
2. style (the way it is written)
3. content (what you are writing about)

**Structure:** Structure is the way written content is laid out. A good structure will help the writer express themselves more clearly, whether in a dissertation, an essay, a report or plan, a job application letter or a CV. The following are evidence of good structure:
- Clear, easy to follow layout
- Use of headings, sub-headings and bullet points to help key points stand out.
- Information arranged in a logical sequence with a beginning (introduction), middle, and end (conclusion).
- Introduction clearly states the subject and purpose.
- Strong introduction and ending.
- Short paragraphs and sentences.
- One primary idea per paragraph; main point in the first line; supporting information following.

**Style:** Style is the way a document is written. The writing style should be appropriate for the audience.
- Have you carefully checked the spelling, grammar, and punctuation?
- Writing is **concise**, with an exact use of words and economy of style?

"If in doubt, cut it out!"

For example instead of saying forward planning; just say planning - there is no such thing as backward planning! Words such as very, just, quite, perhaps, maybe and really should all be removed (see "10 Words to Cut From Your Writing").

- Is the writing **simple, direct and lucid?**
Policy 1.1.13: Employee Annual Performance Reviews
East Multnomah Soil and Water Conservation District

- Are sentences too long? A sentence should contain just one idea. Sentences with more than 30 words should normally be split.
- Is the first sentence interesting? Does it draw the reader in?
- Are paragraphs too long? Paragraphs of less than 10 lines are easier to read.
- Is a blank line left between paragraphs to aid clarity?
- Have you avoided unnecessary jargon? "I seamlessly monetized the leverage to our solutions management ecosystem via a high synergy ask."
- Is the style suitable for the intended audience?
- Are bulleted lists used where appropriate?
- Have you used short, concrete, familiar words rather than long, obscure, complex words?
- Use the active words where possible rather than the passive voice. "It is recommended..." should be replaced by "We recommend" as this is simpler and more direct.
- Have you kept wordy phrases to a minimum?
- Have you avoided repetition?

Content: The content is the subject matter being written about.
- Have you thought through in advance what you want to say?
- Have you achieved clarity of thoughts and purpose/objective?
- Have you identified key points, facts and themes clearly?
- Have you developed your argument in a logical way?
- Have you allowed detail to obscure the main issues?
- Is the content positive and constructive?
- Have you edited it through several revisions, honing the text until it is just right?
- Have you left it overnight? If possible: your mind will assimilate it better and you will come back with a fresh view.
- If it is a long document, have you printed it out and read in in hardcopy form?

The writing rules of George Orwell:
- Never use a long word where a short one will do.
- If it is possible to cut a word out, always cut it out.
- Never use the passive voice (e.g. "Bones are liked by dogs") where you can use the active voice ("Dogs like bones").
- Never use jargon if you can think of an everyday equivalent.
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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, regular, full-time employees should plan for and participate in annual training events that do not exceed two weeks and $1,000 per year (training times and amounts are prorated for regular part-time employees who work at least 20 hours per week). 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 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 term (i.e., quarter, semester) 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 term.
- Employees must agree to reimburse EMSWCD (a prorated amount) if they leave EMSWCD prior to 12 months following each class term.
- 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.
Policy 1.1.14: Professional Development
East Multnomah Soil & Water Conservation District

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 tentative approval, employees may submit a request to the Executive Director 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
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East Multnomah Soil & Water Conservation District

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
Promotions for employees will be evaluated based on at least the following four factors:

- Needs of EMSWCD;
- Ability of EMSWCD to support (budgetarily and otherwise) a higher-level position;
- Professional and educational qualifications of the employee in question; and
- Performance and duties of the employee in question.

While promotion considerations should be a natural part of each annual performance review, there may be times when organizational needs precipitate such considerations. For example, 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, usually 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, among other things: the needs of EMSWCD and the programmatic unit the position is in; budget implications of a promotion; the qualifications of the employee in question; the performance and duties of the employee in question; 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: _____________

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1.0 Introduction
For the purposes of this policy, “non-pay benefits” include those benefits provided by EMSWCD other than pay and time off. 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

1 For benefits and other work-related purposes, EMSWCD recognizes domestic partners, consistent with the law.
spouses, children, domestic partners (regardless of gender), and the children of a domestic partner. If required by the insurance provider, an affidavit will be 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.

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 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 that 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 Flexible Spending Account for Healthcare and ChildDependent Care
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 healthcare and childcare-related expenses. The total family limit (for example, if both spouses have separate FSA accounts) is $5,000 per year. Employees may experience up to $2,000 in tax savings if a family’s combined contributions reach the maximum. For details, employees are encouraged to seek information directly from the program provider.
4.0 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.

5.0 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.

6.0 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 qualifying employees with quality health care insurance options that include 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.

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. Employee wellness benefits may be expanded after the additional research, employee consultation, and Personnel Committee deliberation and agreement are achieved.

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 (TriMet) 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. Employee commuting and transportation benefits may be expanded after the additional research, employee consultation, and Personnel Committee deliberation and agreement are achieved.

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2 As of May 30, 2018, these benefits can be accessed at:
- https://oregon.providence.org/
- https://healthplans.providence.org/members/tools-for-health/

3 See: https://trimet.org/
Policy 1.1.16: Separation from Service and Discipline
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

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   1.1 Voluntary Resignations ............................................................... 1
   1.2 Death of an Employee ............................................................... 1
   1.3 Layoffs ................................................................................... 1
   1.4 Suspension and Termination ...................................................... 1
   1.5 Severance Pay ......................................................................... 2
   2.0 Disciplinary Actions .................................................................. 3
   3.0 Appeal Process .......................................................................... 3

1.0 Separation from Service

1.1 Voluntary Resignations
In accordance with 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.

1.2 Death of an Employee
Upon death of an employee, all unpaid salary and unused vacation leave will be paid to the employee’s
estate.

1.3 Layoffs
EMSWCD is an at-will employer and positions may be eliminated or altered at the discretion of the
Personnel Committee Board of Directors. While uncommon, changes in organizational needs and
budgetary limitations may necessitate one or more layoffs from time to time. The primary driver for
layoffs is normally not performance-related, but performance can be a considered issue when
contemplating layoffs. Layoffs will be determined based on EMSWCD staffing needs and available
funding. Layoffs normally result in one or more positions being eliminated or reclassified to better serve
EMSWCD needs.

1.4 Suspension and Termination
In accordance with Oregon’s at-will employment status, employees may be suspended or
terminated at the EMSWCD’s discretion with or without cause. If a termination is deemed appropriate
and/or necessary by the Executive Director, the Executive Director may/must:
• 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.

• Prior to termination, while employees are on administrative leave, the Executive Director must:
  o Seek to resolve relevant issues and/or convene the Personnel Committee (PC) to discuss resolution of the issues (if the issues are resolved, the employee will be reinstated); and/or
  o Determine if that termination is necessary, upon which time the Personnel Committee must be notified.
    ▪ Each Personnel Committee member will be given sufficient time to respond with at least one of three responses: 1) no objection; 2) objection; and/or 3) request for a PC meeting prior to termination.
    ▪ No further action can be taken until all PC members respond.
    ▪ If all PC members respond with “no objection,” the termination can proceed.
    ▪ If one or more PC members respond with “objection” or request to convene the PC, the PC will be convened to consider the termination.
    ▪ If, upon convening, the majority of the PC members do not object to the termination, the termination can proceed.
    ▪ If, upon convening, the majority of the PC members object to the termination, the matter will be deferred to the full Board of Directors.
    ▪ The Board of Directors will consider the matter at the next opportune time; an emergency board meeting may be convened.
      ▪ If the majority of the Board of Directors do not object, the termination can proceed.
      ▪ If the majority of the Board of Directors objects to the termination, the employee shall not be terminated.

To minimize EMSWCD liability and to ensure that proper procedures are followed and 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 their last day of work and will include any unused vacation pay and compensatory pay. Accrued wellness leave shall not be paid upon termination.

1.5 Severance Pay
Severance pay for separating employees will be determined by the Personnel Committee or, lacking a Personnel Committee/meeting, by the full Board of Directors, on an individual basis.

1 Whether someone receives pay while on administrative leave is to be determined on a case-by-case basis. Typically, if there is an egregious violation of law or policy and/or reckless or intentional endangerment of life or limb involved, leave without pay will likely be appropriate.
Policy 1.1.16: Separation from Service and Discipline
East Multnomah Soil & Water Conservation District

2.0 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 and/or Executive Director, formal disciplinary action may be taken. Formal disciplinary actions shall be recommended by supervisors and approved by the Executive Director. Formal disciplinary actions shall be undertaken by supervisors and/or the Executive Director.

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 21.0 below).

Any of the above disciplinary actions may include, but will not be limited to, mandatory training.

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).

3.0 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, the full 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,

*For the purposes of this policy, “counseling” refers to an internal disciplinary action through which staff course corrections are deemed mandatory as a result of a performance problem, to be distinguished from routine one-on-one meetings and performance review meetings with supervisors during which methods for continuing staff development and improvement are often discussed.*
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 and supervisors are 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 as identified in this policy and elsewhere in the personnel policies of EMSWCD. The Personnel Committee and, as appropriate, the full Board of Directors, will exercise oversight in these matters. But will not reverse the decision of the Executive Director unless an impropriety is discovered.

Commented [JU3]: This is in our current policy. I'm indifferent as to whether it stays in. Ultimately, the PC and Board could reverse the ED decision for whatever reason they want.
Policy 1.1.17: 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

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2.0 Decision-making Criteria ...................................................................................................................... 2
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.

Need to define and distinguish between?

- Formal and informal comment
- Speaking on behalf of oneself as staff or for EMSWCD as a whole
- Establishing a position/policy versus not

Should be some reference to new staff training regarding this (and other?) policies.

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 but are not limited to, comment letters and letters of support or opposition. Prior to making any public comment in which the an EMSWCD formal position is uncertain, EMSWCD representatives should confer with an EMSWCD supervisor, employee.

The EMSWCD supervisor and representative should work together to determine who should evaluate the request using this policy and, if the comment is in the form of a letter, who should sign the letter. The person assigned to evaluate the request 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 the assigned person must also determine whether the
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East Multnomah Soil & Water Conservation District

Board must be notified of the public comment by using the checklist below. Employees Assigned persons 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 representatives 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.

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 letter1, which generally include:

- EMSWCD logo and contact information;
- Date;
- Address block;

1 For an example, see: https://owl.english.purdue.edu/owl/resource/653/01/
Policy 1.1.17: Public Commenting
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- 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.

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>
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<tr>
<td>1. Related to District Mission?</td>
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<td>1. Law-making</td>
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<tr>
<td>2. Board taken position?</td>
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<td>2. Rule-making</td>
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<tr>
<td>3. District commitment?</td>
<td></td>
<td></td>
<td>3. Regulatory permitting</td>
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</tr>
<tr>
<td>5. Hair standing up?</td>
<td></td>
<td></td>
<td>5. Judicial proceeding</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td></td>
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</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>
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</thead>
<tbody>
<tr>
<td>1. Related to District Mission?</td>
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</tr>
</tbody>
</table>

Result: Commenting permissible without Board check in.

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>
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<th>No</th>
</tr>
</thead>
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<tr>
<td>1. Related to District Mission?</td>
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<td>1. Law-making</td>
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<tr>
<td>2. Board taken position?</td>
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<td>2. Rule-making</td>
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<tr>
<td>3. District commitment?</td>
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<td></td>
<td>3. Regulatory permitting</td>
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</tr>
</tbody>
</table>

Commented [JU1]: There was concerned expressed by some staff about putting this in policy (as opposed to “guidance”). Alternative suggestions included creating a template and/or example.
Policy 1.1.17: Public Commenting
East Multnomah Soil & Water Conservation District

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<tbody>
<tr>
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<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td>X</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>
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<th>No</th>
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<td></td>
<td></td>
<td>6. Political, social and/or environmental controversy</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

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

### Example 4: Portland Airport Signage

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<thead>
<tr>
<th>1.0 Decision-making Criteria</th>
<th>Yes</th>
<th>No</th>
<th>2.0 Board Notification Required</th>
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<th>No</th>
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</thead>
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<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Result:** Commenting not permissible.

**Result:** Board notification not required.

**Result:** N/A