



Board of Directors Meeting Agenda

East Multnomah Soil and Water Conservation District

Wednesday, August 16, 2023, 6:00 – 8:00 PM

To be held at the EMSWCD Office at 5211 N Williams Ave, Portland, OR 97217 or

Join online via GoToMeetings: <https://meet.goto.com/EastMultSWCD/boardmeeting>

or call in: United States (Toll Free):1 (866) 899-4679 Access Code:578-282-301

AGENDA

| Item # | Time | Board Meeting Agenda Item | Purpose | Presenter | Packet |
|--------------------------|----------------|---|---------------------------------|-----------------------------|--|
| 1 | 6:00 5 min | Welcome and meeting called to order: <ul style="list-style-type: none">• Introductions• Review/revise agenda• Review previous action items• Review/approve July Board Meeting Minutes | Information/ Decision | Zimmer-Stucky | a) 7/5/2023 Board Meeting Minutes Previous Action Items b) Leadership Team Updates Memo |
| 2 | 6:05 5 min | Time reserved for public comment and introductions ¹ | Information | Public | N/A |
| DISTRICT BUSINESS | | | | | |
| 3 | 6:10 20 min | Executive Director Recruitment Update | Information | Motus Rep | Sent Separately |
| 4 | 6:30 10 min | Building Modifications Project & Contract Review | Discussion/ Decision | Mitten | a) Project Summary |
| 5 | 6:40 5 min | ODA/OWEB Grant Agreement | Discussion/ Decision | Mitten | a) Grant Agreement |
| 6 | 6:45 5 min | FY 22-23 Audit Engagement Letter | Discussion/ Decision | Mitten | a) Engagement Letter |
| 7 | 6:50 10 min | Personnel Committee Recommendations | Discussion/ Decision | Masterson/ Zimmer-Stucky | a) Rural Lands Program Supervisor JD b) Senior Outreach and Engagement Coordinator-Rural Lands JD c) Senior Outreach and Engagement Coordinator-Urban Lands JD d) Employee Handbook |

¹ Each member of the public who wishes to speak shall be given approximately 3 minutes.

Packet materials referenced above available in hardcopy by request or electronically at: <http://emswcd.org/about/board/meetings/>



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| | | | | | |
|----------------------|-----------------------|--|--------------------------------|--------------------|--|
| 8 | 7:00 25 min | Portland Water Bureau Treatment Plant Project | Discussion/ Decision | Board | a) OAN Letter b) ODA Letter c) Park's Nursery Letter d) 1000 Friends Letter |
| 9 | 7:25 30 min | Executive Session under ORS 192.660(2)(e) held for real estate negotiations | Discussion/ Decision | Board of Directors | Sent Separately |
| CLOSING ITEMS | | | | | |
| 10 | 7:55 5 min | <ul style="list-style-type: none">• Announcements and reminders• Action items• Adjourn meeting | Information | Zimmer-Stucky | N/A |



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EMSWCD Board Members, Committees and Meeting Dates

| EMSWCD Board | | | EMSWCD Committees | | | | |
|-----------------------|-----------------------|------------|-------------------|-------------|-----------|--------|-----|
| Members | Positions | Officers | Budget | Land Legacy | Personnel | Grants | PIC |
| Joe Rossi | Director - Zone 1 | | X | X | | | |
| Laura Masterson | Director - Zone 2 | Secretary | X | X | X | | |
| Mike Guebert | Director - Zone 3 | Vice Chair | X | X | X | | X |
| Jim Carlson | Director - At-Large 1 | Treasurer | X | X | X | | X |
| Jasmine Zimmer-Stucky | Director - At-Large 2 | Chair | X | X | X | | |
| Upcoming Schedule | | | | | | | |
| FY23-24 | 2023 | July | 5 | | 31 | 17 | |
| | | August | 16 | | | | |
| | | September | 6 | | 25 | | |
| | | October | 2 | | | 16 | |
| | | November | 6 | | 27 | | |
| | | December | 4 | | | | |
| | 2024 | January | 3 | | 22 | 17 | |
| | | February | 5 | | | | |
| | | March | 4 | 4 | 25 | | |
| | | April | 1 | 1 | | 15 | |
| | | May | 6 | 6 | 29 | | |
| | | June | 3 | | | | |

Internal EMSWCD Teams

- Equity Team: Heather Nelson Kent, Matt Shipkey, Alex Woolery, Jon Wagner, Tiffany Mancillas, Jeremy Baker
- CLIP Team: Jeremy Baker, Whitney Bailey, Julie DiLeone, Kathy Shearin
- Safety Committee: Scot Wood (lead), Jon Wagner, Katie Meckes, Jeremy Baker, Sasha Schwenk

EMSWCD Representation on External Committees

- 4-County Cooperative Weed Management Area – Chris Aldassy
- Beaver Creek Conservation Partnership – Kathy Shearin; Chelsea White-Brainard
- Columbia Gorge Cooperative Weed Management Area - Jon Wagner
- Gray Family Foundation Grant Review Committee – Heather Nelson Kent
- Inter-jurisdictional Committee for Johnson Creek Watershed – Whitney Bailey; Jeremy Baker
- Northwest Adult Conservation Education – Kathy Shearin
- Oregon State University Metro Small Farms Advisory Group – Rowan Steele
- Oregon State University Solve Pest Problems Advisory Committee - Kathy Shearin (Steering Committee); Julie DiLeone
- Oregon Watershed Enhancement Board Lower Willamette-East Small Grant Team – Julie DiLeone

EMSWCD prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisals, because all or part of an individual's income is derived from any public assistance program, or based on any other group or affiliation. EMSWCD will not condone or tolerate prejudicial remarks, actions, slurs, or jokes expressed and directed at or to any person. Any employee who behaves in such a manner while conducting EMSWCD's business will be subject to disciplinary action including possible termination. EMSWCD is an equal opportunity provider and employer.

Meeting attendees requiring Americans with Disabilities Act accommodations should call (503) 222-7645 x 100 as soon as possible. To better serve you, five (5) business days prior to the event, is preferred.

Packet materials referenced above available in hardcopy by request or electronically at: <http://emswcd.org/about/board/meetings/>

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**East Multnomah Soil and Water Conservation District
Board of Directors *FINAL* Meeting Minutes**

Monday, July 5, 2023

6:00pm- Call to Order

Zimmer-Stucky, called to order the regular meeting of the EMSWCD Board of Directors at 6:00pm on Monday, July 5, 2023, at EMSWCD's Office.

6:03pm- Introductions, Review/revise agenda, Review previous action items.

Zimmer-Stucky conducted introductions for the record. The following persons were present:

Board of Directors: Jasmine Zimmer-Stucky (At-Large 2 Director, Chair), Mike Guebert (Zone 3 Director, Vice-Chair), Laura Masterson (Zone 2 Director, Secretary) (virtual), Jim Carlson (At-Large 1 Director, Treasurer), Joe Rossi (Zone 1 Director)

Staff: Nancy Hamilton (Executive Director), Dan Mitten (Chief of Finance & Operations), Kathy Shearin (Urban Lands Program Supervisor), Julie DiLeone (Rural Lands Program Supervisor), Heather Nelson Kent (Community Outreach & Engagement Program Supervisor), Matt Shipkey (Land Legacy Program Manager), Asianna Fernandez (Executive Assistant)

Guests: N/A

Changes to the agenda: N/A

Time reserved for public comment: N/A

Previous action items:

- **Fernandez** to send the Multnomah County Farm Bureau BBQ invitation and tour details to the Board. -Done
- **Fernandez** to send the Board the invitation to the Innovative Tools Workshop. -Done
- **Kent** to start giving Grants updates in her Leadership Team updates. -In Progress
- **DiLeone** to forward the full Mosaic Ecology LLC contract to the Board. -In Progress
- **Fernandez** to get USDA information from Welker to the Board. -In Progress
- **Fernandez** to cancel the August Board meeting and schedule the June Special Board meeting about the Gordon Creek sale. -Done
- **Fernandez** to ensure that there is a clear cancelled message for the August Board Meeting on the website. -Done
- **Zimmer-Stucky** to work with **Hamilton and Julie** on a response to Scot Ekstrom. -Done

6:04pm- Approval of minutes

MOTION: Masterson moved to approve the June 5, 2023, Board of Directors Meeting Minutes, Carlson 2nd. Motion passed unanimously (5-0).

MOTION: Masterson moved to approve the June 21, 2023, Special Board of Directors Meeting Minutes, Carlson 2nd. Motion passed unanimously (5-0).

6:05pm- Executive Director and Leadership Team Updates

Hamilton shared the ED Updates.

External Meetings in June:

- Jen Aron of Blue Raven Farm – had to be rescheduled due to Hamilton's injury. Will take place in September.

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- Dave Peters of the Portland Water Bureau- The water treatment facility has been approved with some changes. He asked for the Board to send a letter of support, but Hamilton informed him that the Board has chosen to take a neutral stance on the matter.
- Terri Preeg Rigsby and Senator Fredrick's office: Legislative Session completed- SB 775 passed and waiting for the Governor's signature.
- Caleb Schafer from EPA and SKEO (private consulting firm for EPA)- Discussed the possibility of a Portland Harbor Superfund Cleanup with Lynn Barlow from West Multnomah SWCD. Would also like to work on riverfront access and riverfront health, and DEQ issues for industrial organizations by the waterfront.
- Willie Levenson: Human Access Project- They have done work on West and East sides of the Willamette. They're also a Partners in Conservation (PIC) grant recipient for Ross Island algae bloom work, funding used on a study to put a channel in, creating a swimming area away from boats in the Willamette. Looking forward to meeting with WMSWCD to see who can do what for the Willamette.

External Meetings planned for July/August:

- Steve Fancher – City of Gresham
- Tony DeFalco – Latino Network
- Adena Long – City of Portland Parks
- Candace Avalos – Verde
- Sara Grigsby – Corbett Grange President
- Derron Coles – Blueprint Foundation
- Bob Sallinger- Willamette Riverkeepers
- Cassie Cohen - Portland Harbor Community Coalition and Lynn Barlow (WMSWCD) to explore possible collaboration.
- Jen Aron - Blue Raven Farm – Rescheduled to September
- Ivy Liles - OSU Extension – requested by Zimmer-Stucky.
- Jeff Stone (Oregon Association of Nurseries) for Nursery connections – requested by Masterson.

Looking Back at June:

- Passing SB 775- Zimmer-Stucky gave oral testimony. We got 60+ people to submit testimony of support.
- Finished Annual Work Plan – Thanks to the Leadership Team and staff member Sasha Schwenk for their work on this.
- Final transition of staff members Matt Shipkey and Rowan Steele to the Rural Lands Program.
- Planned retirement for the end of 2023 and is now helping the Board with recruitment opportunities.
- Finished the response to Scott Ekstrom's public comment from the last Board Meeting.
- Performance evaluations will all be finished by the end of July.
- Working with Paul Lumley who will soon be leaving NAYA. They're holding a capital campaign celebration event on July 21st at 1pm, hoping the Board can attend.
 - **Action Item: Fernandez to send NAYA celebration invite to the Board.**
- Ask This Old House- Shearin will discuss more during the Something to Celebrate segment.
- Offsite Board Meetings vote conclusion:
 - NAYA (aside from the celebration) to see the land that's being transitioned away from Baseball fields.
 - Burney (McFadden) Farm
 - Our Village Garden/ People's Garden – North Portland

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- Black Oregon Land Trust/Mudbone Grown Farm
- Backyard Habitat recipient (if not NAYA) – locations throughout the district
- **Zimmer-Stucky** Are there any suggestions for timing? Possibly August Board Meeting?

Looking forward to July:

- On vacation from July 17th to August 9th
- Will be meeting with Zimmer-Stucky to go over Hamilton's Performance Evaluation.
- NAYA Celebration, as previously mentioned.

Zimmer-Stucky thanked Hamilton for her work on SB 775 and to everyone who testified.

Leadership Team Updates

Hamilton shared the Conservation Legacy Team updates:

- Headwaters Farm Incubator Program (HWF or HIP): Held a farm meeting in May and got requests from the farmers to update the anonymous feedback form structure (especially for feedback about the Executive Director). We have asked Chris Caldwell (contracted consultant) to be the receiver and forward the forms to either the ED or the Board as necessary.
 - Sent Rossi more information about HIP's Gross vs. Net, to answer some of his questions.
 - Innovative Tool Workshop is set for July 11th.
 - **Action Item: Fernandez to send the Innovative Tool workshop invitation to the Board.**
 - **Masterson** has seen the invitation everywhere, and thinks the District did a great job of outreach for this workshop.
 - Weeds issues: Steele feels like he's got them under control but Hamilton would like to have Rossi and Masterson walk the farm to see the progress and answer their questions.
 - **Action Item: Fernandez to plan a meeting at HWF for Masterson, Rossi, DiLeone, and Steele.**
- Grants Program:
 - Partners in Conservation (PIC): getting them all out the door now.
 - No new SPACE Grants in June, but with the new fiscal, applications are open again.
 - Equity Focused Strategic Opportunity Grant (EFSOG): Finalized and sent out the first awards to iUrban Teen and Black Oregon Land Trust
- Land Legacy Program:
 - Moving forward with the sale of the Gordon Creek property
 - Appraisals of two new properties. We have one already and the other is in progress.
 - Continuing to work with ECONorthwest on easement valuation.

Shearin shared the Urban Lands updates:

- Solve Pest Problems Webtool: The OSU Horticulture department member we were working with has moved to a different position and the webtool project has now moved to the IPM center, which makes more sense because it needs more information, updates, etc. and the folks who work at the center are pest management experts. The page will continue to grow.
- Planting with Partners: focused on Native communities this fiscal year. Projects have concluded for FY 22-23, and we have initiated a potential partnership with NARA for the upcoming year.
 - Native American Rehabilitation Association (NARA) site visit to discuss technical assistance with stormwater management: they have de-paved a whole section of their parking lot, installed a healing garden, but are now seeing stormwater issues.

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- Something To Celebrate - Ask This Old House Production
 - The production team reached out to EMSWCD to help them find a constituent to volunteer their yard and time. The team eventually asked Shearin to fully design the project and participate in the shoot. She did some site visits and helped identify a proper site in the Hazel Dell neighborhood. The District will get shoutouts on the show, on their social media, and on their website. Already getting more constituents to register for our raingarden workshops from the outreach callout email and social media posts!

Mitten shared Finance & Operations updates:

- End of the fiscal year preparations: finalizing all fiscal year payables, running budget vs. actual reports each week until the books are closed to keep each program on top of their spending rate for the remaining FY 22-23 Budget.
- Annual Work Plan finalizing
- Personnel and back of the house HR work: writing offer letters, move letters, working on the wage analysis, and job descriptions development for the new CO&E team, and the RL team.
- Preparing F&O performance evaluations and preparing for the annual salary and COLI adjustments for staff.
- Received one proposal for the building modifications, reviewing it with HARKA Architects and Hamilton this week.
- IT efforts: website updates tutorial- training Fernandez and Schwenk to edit and update the website with notices, packets, etc. in Woolery's absence (vacations, sick, etc.). This is different from website restructuring and major edits to the site.
- VPN issues continue: Working with TeamLogic often. Once those are fixed, we will resume working on the HIP technology solution and the HIP feedback forms.

Action Item: Hamilton to share the policy language around the process for employees to express grievances of the ED with Masterson.

DiLeone shared Rural Lands Updates:

- Wagner to move to the now vacant StreamCare position internally. Most likely to begin that role in the Fall of FY23-24.
 - The landowners have already been informed.
 - Will come to the Board with ideas to replace Wagner's old position when it comes to that time.
- Baker and Shipkey are working on agricultural management plans templates.
- Baker coordinated with the company who now manages our weather station - put in new soil sensors. We want to set it up for HIP farmers to access, and eventually for all farmers. Right now, the nearest weather station is in Aurora at the NWREC (North Willamette Research and Extension Center). Working with Woolery to get those numbers on the website. Hoping the HIP farmers will want to use the soil probes provided. Baker is also lined up to put a new electronic online flow meter on the water well to make it easier for spreading out demand on the well.
- **Guebert** Is the garlic mustard and tansy dumpster still out for people to use? **DiLeone** It should be.

Zimmer-Stucky On StreamCare, do we not need Board approval for internal staff switch?

Hamilton We are not creating a new position, so it does not need Board approval.

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Action Item: DiLeone to send the template for the Ag Management Plans to Masterson.

Kent shared Community Outreach & Engagement updates:

- The team has been meeting, getting to know each other, and started planning.
- The Communications Plan is underway. The RFP went out and we selected the Brink consultant team from two proposals.
- HIP recruitment marketing campaign RFP: we received one consultant proposal, from Susan Laarman. A one-person business, Susan has content expertise in the farm and food spaces. It should be a three-to-four-month project and we will do our best to synch it up with the larger Communications Planning project and recommendations.

7:05pm- Legislative Updates- Session over, not much to report.

7:05pm- Annual Work Plan

Zimmer-Stucky asked the Leadership Team for highlights of what has changed since the last Fiscal Year, what the District found to be a success and will continue to do, or what we pulled back on.

Urban Lands:

- **Shearin** is taking another look at CLIP, we're looking for new locations for demonstration projects. We're about to dive into dam removal.
- **Hamilton** Moving from more backyard habitat type of work to bigger commercial/industrial work, and to see where the gap in needs lies. Also considering what green infrastructure means for the District, in terms of climate mitigation.
- **Shearin** We're also easing back into in-person workshops after hearing feedback from a few folks about their inability to learn through video lessons.

Rural Lands:

- **DiLeone** While restructuring the organization internally, and with the creation of the CO&E team, it's a great time to reach hobby farmers who also want agricultural knowledge. For commercial farmers, we're thinking taking different approaches to engaging with them will lead to change. Waiting to see what happens at state level in terms of carbon markets that may arise, and how farmers may benefit from this.
- **Hamilton** Shipkey is finishing the farmer surveys, reviewing feedback and findings, which will also inform RL's work this year.

Masterson How much time does RL staff spend on communications/outreach?

DiLeone Chelsea is full-time working on Rural Lands outreach. For tech assistance work, there are workshops/mailings periodically, and every site visit also doubles as outreach.

Hamilton We're still finding out how different people respond to different types of outreach as well as where they find trusted sources of information. There will be a lot of fact-finding this year to figure out what to do moving forward based on that information.

Masterson would like to see the Leadership Team refer to the annual plan for their monthly board meeting reports.

MOTION: Carlson moved to approve the Annual Work Plan as presented, Masterson 2nd. Motion passed unanimously (5-0).

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7:20pm- Response to a Constituent's Concerns

Zimmer Stucky asked the Board if they had any comments or questions about the response crafted to Mr. Ekstrom's public comment from the June Board meeting.

Masterson Well done, hoping he takes us up on further communication.

Board agreed.

Hamilton agreed to reach out to Ekstrom to figure out how to work together more effectively.

7:22pm- Executive Session under ORS 192.660(2)(e) held for real estate negotiations.

Began 7:22pm

Ended 7:45pm

MOTION: Guebert moved to authorize Shipkey to move into negotiation as discussed in Executive Session, Masterson 2nd. Motion passed unanimously (3-0), Rossi and Carlson abstained their votes.

7:47pm- Monthly Financial Reports- May 2023

Mitten On the balance sheet, in assets, the operational and government accounts are at \$12.4 million, almost 4.47% higher than last year at this time. Total assets and liabilities are at \$19.7 million, which is 2.3% higher than last year, very healthy. On the Profit & Loss report, interest earned, and property tax revenue are far above expectations by \$245,444 and \$120,509, respectively. Total income is \$6.3 million, which is \$574,000 above budget, much of which has to do with income from the Mainstem sale. Those funds were budgeted back into the Land Conservation Fund in the FY23-24 budget. In Profit and Loss by class, Urban Lands is at 65% of appropriations spent but contracted services show only \$24,590 spent. In June, there was a \$150,000 payment to Mount Hood Community College as part of our IGA and was planned and budgeted for. Those numbers will show up in the June Financial Reports.

7:51pm- Board of Directors Discussion

Zimmer-Stucky recommended adding the August Board meeting back to the schedule. August 16th at 6pm. Depending on the agenda, we may do it in-person at an offsite location.

Hamilton Reminder that July 21st is the NAYA celebration event.

Rossi and Carlson might be able to attend.

Zimmer-Stucky Executive Director Recruitment Update: Met with Jill Critchfield (Pacific HR) and Rossi to discuss the three firms who submitted proposals. Masterson recommended another firm. There are three firms in total that are now being considered. We have invited them all to come to the upcoming Personnel Committee meeting to present their proposals. Would like to request the Board to authorize Zimmer-Stucky and Masterson to select a recruiter within 48 hours of the PC meeting in order to get the process started before Hamilton leaves on vacation. Rossi might join the upcoming PC Meeting.

MOTION: Guebert moved to authorize Zimmer-Stucky and Masterson to decide on the recruitment firm based on the conversation had in the Personnel Committee Meeting within 48 hours, Rossi 2nd. Motion passed unanimously (5-0).

Action Item: Fernandez to send Rossi the July Personnel Committee Meeting invitation.

8:00pm- Announcements, Action Items, and Adjournment

Masterson would like to see Leadership Team at the conference table during their updates, moving forward.

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**Action Items:**

- Fernandez to send NAYA celebration invitation to Board.
- Fernandez to schedule Masterson, Rossi, Steele, and DiLeone meeting at HWF.
- Hamilton to share the policy language around the process for employees to express grievances of the ED with Masterson.
- DiLeone to send template for Ag Management Plans to Masterson.
- Fernandez to send Rossi the July Personnel Committee Meeting invitation.
- DiLeone to send the full Mosaic Ecology LLC contract to the Board.
- Fernandez to Send the Board the meeting recordings moving forward.
- Leadership Team to link their monthly updates to their program areas' Annual Workplans.

Zimmer-Stucky adjourned the meeting at 8:05pm.

Leadership Team Updates – August 16, 2023

Kathy Shearin, Urban Lands Supervisor: July 2023

1. **Planting with Partners and Annual Native Plant Sale** – We have begun ordering plants for these endeavors. Planting with Partners could start as soon as October this year (to take advantage of the long, wet winters as well as some opportunities with partners. [UL Annual Plan Strategy: Outreach and Education]
2. **MHCC Campus Clean Water Retrofit Demo Project** – Construction has begun in the 4 parking lots receiving stormwater treatment facilities (tree trenches). There will also be 50+ engineering interns receiving a tour of the stormwater projects on campus August 17th. [UL Annual Plan Strategy: Demonstration Projects]
3. **The Native plant web tool (Oregon Flora Project)** - This user-friendly website interface that we helped to create has grabbed the attention of Symbiota nationwide (the data management software platform that we used to create the tool) and is now the model for new applications and development for the software platform. The image below is of a poster presented last month at a recent international conference as well as at the Digital Data conference, where OFP staff gave an invited talk about the webtool.
URL - <https://oregonflora.org/garden/index.php> [UL Annual Plan Strategy: Partnership Projects and Regional Campaigns]

Novel uses of the Symbiota platform on oregonflora.org

Symbiota is enhanced to meet the needs of gardeners and conservationists

Introduction
We have developed our Symbiota portal to serve as a digital flora to disseminate and expand knowledge being developed in the three-volume printed *Flora of Oregon*.

The OregonFlora website uses the established Symbiota data structure to present novel user interfaces and interactive tools to engage with users of diverse needs and experiences.



The Grow Natives tool engages gardeners, landscapers, and ecological restoration workers.

Horticulturally relevant information is presented on the Grow Natives profile page.



Native plant vendors will manage their own inventories and will be displayed on associated Grow Natives profile pages. (tool under development)

The rare plant field guide is specialized for conservationists and sensitive species management. (tool under development)



Core floristic data is presented for diverse audiences.



Find the perfect native plants for one's needs.



Nursery Native Plant Lists





Dan Mitten, Chief of Finance & Operations: July 2023

1. **Building Modifications Proposal Review & Contracting** – met with potential contractor and architect firm. Went over overall contractual details, scope, and crafted A105 draft contract with Architect serving as owner-representative. Prepared for Board review and decision. (Ties to Annual Plan Area: Facilities, Fleet, and Equipment Management)
2. **HR/Personnel** (Ties to Annual Plan Area: HR/Personnel Coordination & Recordkeeping)
 - a. **Performance Evaluations** – completed all F&O performance evaluations for FY22-23.
 - b. **Met with Jill Critchfield** – All job descriptions are being reviewed to incorporate KSAs (Knowledge, Skills, and Abilities) into the job description where appropriate for the position and removing redundancy. Crafting Oregon Paid Leave Act language into EE Handbook when State begins accepting applications for paid leave.
3. **Financial** - entered FY23-24 budget in QuickBooks, continue to wrap up FY22-23 and run Budget versus Actual reports for monitoring FY close out. Met with Bookkeeper on changes needed to QuickBooks to accommodate new program and staff shifts. (Ties to Annual Plan Area: Budget & Finance)
4. **Executive Director Recruitment** – Created contracting with awarded ED Search Firm, providing materials requested (Mitten). Coordinated scheduling with listening sessions and timelines with Board, Leadership Team, staff, and possible community partners (Fernandez). (Ties to Annual Plan Area: Contract Management, Board & Committee Management)
5. **CRM planning and organizing the implementation & kick off meeting.** (Ties to Annual Plan Area: Information Technology)

Julie DiLeone, Rural Lands Supervisor: July 2023

1. **Cost share** – Jeremy completed our first CLIP project of the fiscal year. A nursery in the Johnson Creek watershed installed a variable frequency drive and converted 5 acres to drip irrigation. He has another nursery drip irrigation project that is funded, and installation will begin soon. A few other CLIP projects in development.
(RL Annual Plan Strategy: Technical and financial assistance)
2. **Knotweed control** – Chris and Jon have begun working with a contractor to treat knotweed on the Sandy River using funding from the Portland Water Bureau.
(RL Annual Plan Strategy: Noxious weed control)
3. **Summer Farm Hall** – We had our first summer farm hall at Headwaters. Great attendance and participation by Headwaters farmers. (RL Annual Plan Strategy: Headwaters Farm Incubator Program)

Heather Nelson Kent, Community Outreach & Engagement & Grants Supervisor: July 2023

1. **CO&E Team Outreach and Engagement.** We supported outreach and engagement across several program areas:
 - Supported Innovative Tools workshop held at Headwaters Farm in July.
 - Designed and produced a postcard/handout for Rural Lands outreach.

- Working with the Land Legacy Program Manager to develop recommendations for changes to our outreach efforts for agricultural land conservation. Need LLC/Board program direction before implementing changes.
- Designing an outreach and marketing campaign promoting the Headwaters Incubator Program and recruitment of new participants.
- Supporting Stream Care program with outreach to recruit eligible landowners.

(CO&E Annual Plan Strategy: Community Outreach and Engagement support for Programs)

2. **Strategic Communications Plan for EMSWCD.** We contracted with Brink Communications to develop a Strategic Communications Plan for EMSWCD. Brink and the project team are: reviewing the organization's past efforts related to our community engagement and outreach efforts and activities; compiling outreach and engagement plans from all the teams and programs; inventorying resources and activities already planned and/or underway related to outreach. (CO&E Annual Plan Strategy: Community Outreach and Engagement Inventory and Planning)

3. **Grants Administration.** We developed requirements and confirmed eligibility with NRCS for PIC grant funding from Our People's Garden initiative to Our Village Garden and Thimbleberry Farm. We have completed 14 of 24 grant agreements for new Partners in Conservation (PIC) Grants and are finalizing FY 23-24 Special Partner Agreements with CSWC and JCWC. We are wrapping up prior year funding agreements and grant reporting across all programs.

New SPACE grants awarded in July:

- Human Access Project – Sellwood Swim Ladders (water quality education project)
- Portland Fruit Tree Project – urban agriculture stewardship
- Rocky Butte Farmers Market– hands-on education for families
- Gilbert Park PTA – hands-on education for families.

(CO&E Annual Plan Strategy: Grants)



EMSWCD Building Modifications Project Summary

East Multnomah Soil and Water Conservation District

8/8/2023

Background

EMSWCD has identified necessary building modifications to the existing headquarters located at 5211 N. Williams Avenue. There are several reasons for the modifications. Currently the staff breakroom is on the second floor. Without an elevator, that space is inaccessible to anyone with mobility issues. To create that accessibility, modifications would move the breakroom downstairs and separate the conference room into two spaces: an updated conference room and breakroom/kitchen area for staff. Also included in the project is to create a new hallway for the southwest side offices to have quicker access to the main stairs for safety. This will also create a new office for our new Program Supervisor. Additional changes, such as the current kitchen being repurposed into a meeting space, were identified to help maximize space for staff and meeting space. The building modifications were outlined in the FY23-24 budget cycle and \$150,000 was budgeted to complete this work.

EMSWCD engaged with Harka Architects to be the owner representative and help create the schematics, assist with the planning and development of the RFP solicitation document, provide a walk through to interested contractors and answer their questions, assist in the evaluation of the proposals received, work with the City of Portland on permitting, and to help navigate EMSWCD through the project.

After several months of preliminary work, the RFP went out the door to nine contractors on May 2, 2023. Of the nine contractors, three expressed interest and participated in the walkthrough of the facility and the project.

Summary

Of the organizations interested, one was BIPOC & Woman-owned, one was BIPOC-owned, one was woman-owned. Of those three, one (Bratton Construction) submitted a proposal by the deadline on June 13, 2023. The other two remaining contractors declined to submit a proposal at this time for varied reasons. After reviewing the proposal EMSWCD requested some clarifications, alternate deducts to be removed from the bid, and to remove items from the original project scope to reduce costs. The reduced scope and revised schedule of values brought the project down to ~ \$121,000. Should any unknown or unforeseen circumstances arise, the reduced budget should still be within the threshold of the \$150,000 budget. With a presumed commencement date of late September, the timeline for substantial completion is ~55 days and overall project completion is slated for completion at/near end of December (~98 days from commencement). Currently permitting is already in pre-issuance.

The RFP solicitation document, RFP Contractor Log, Bratton Construction's Proposal, timeline schedule, and a working draft of the A105 Contract that EMSWCD would be using will be sent separately by email to the Board for review and consideration.

As you know, currently EMSWCD is engaged in a recruitment process seeking a new Executive Director. This is the Board's top priority and focus. Since this project would effectively close the facility during the recruitment timeline, it would not be available to be used for meetings or



EMSWCD Building Modifications Project Summary

East Multnomah Soil and Water Conservation District

8/8/2023

interviews. To help reduce the impact of the situation, staff are currently looking for alternate locations to hold meetings or interviews. Additionally, there is a possible option to shift most of the work on the project by putting up the dividing wall in the conference room. This would keep it open for as long as possible while the kitchen and other scope work is performed. This may allow the conference room to be a “construction zone” for closer to 4-6 weeks rather than the current 10-11 weeks. This is not confirmed with the contractor but an idea to preserve the space and reduce the number of meetings needing relocation.

Staff Recommendation

Staff have identified three options for the Board to consider with this project: proceed with the project as planned, cancel the project, or postpone the project.

Option 1 - Proceed with the project: Proceeding with the project would introduce some inconveniences and increase logistical efforts to locate alternate meeting/interview spaces. Small additional costs would be incurred to rent out space as needed for meetings.

Option 2 – Cancel the project: Cancelling the project would require EMSWCD to go out to bid once again at a future date and could result in an increased project cost should material and labor costs increase. EMSWCD would continue to have an accessibility issue at the location. Soft dollar cost of staff time and hard dollar expenditures would be lost.

Option 3 – Postpone the project: Postponing the project (Early Spring or Summer of 2024) could also result in a rebid should the contractor’s schedule not align with EMSWCD timing, or the contractor decides to not extend the proposal. Increased costs would be a potential result of postponement should material and labor costs increase. Soft dollar and hard dollar costs may be lost as well.

Staff recommends ***Option 1 – Proceed with the project*** and is asking for Board approval to proceed formally with awarding the contract to Bratton Construction and give the Executive Director authorization to execute and fulfill the contract terms.

OREGON WATERSHED ENHANCEMENT BOARD

DISTRICT CAPACITY GRANT AGREEMENT

Grantee: East Multnomah SWCD **Grant Number:** 224-900-23112
Grant Name: EMSWCD District Capacity 23-25
Award Amount: \$193,188.00 **Project Completion Date:** 7/31/2025
Award Date: 7/1/2023
Progress Reporting Schedule (Exhibit B): 10/16/2023, 1/16/2024, 4/15/2024, 7/15/2024, 10/15/2024, 1/15/2025, and 4/15/2025

Grantee
 East Multnomah SWCD
 5211 N Williams Ave
 Portland, OR 97217
Phone: 503.935.5352
Email: nancy@emswcd.org
Contact: Nancy Hamilton, Executive Director

Project Manager for the Grantee
 Julie DiLeone
 East Multnomah SWCD
 5211 N Williams Ave.
 Portland, OR 97217
Phone: 503-935-5360
Email: julie@emswcd.org

Payee
 Julie DiLeone
 East Multnomah SWCD
 5211 N Williams Ave
 Portland, OR 97217
Phone: 503.935.5360
Email: julie@emswcd.org

Project Manager for the Board
 Sandi Hiatt
 Oregon Department of Agriculture
 635 Capitol St NE
 Salem, OR 97301
Phone: 503.986.4704
Email: sandi.hiatt@oda.state.or.us

Fund Source: \$193,188.00
 This grant includes \$193,188.00 of either Oregon Lottery funds or another state fund source and must comply with the requirements defined in Article XV, section 4b(2) of the Oregon Constitution.

This Grant Agreement is between the Oregon Watershed Enhancement Board, hereafter called "Board," and the Grantee as identified above, in consideration of the mutual covenants contained herein. This Agreement consists of the following, in descending order of precedence: modifications to this Agreement contained in Exhibits B, if applicable, this Agreement less all exhibits, Exhibits B (Conditions of Agreement), A (Schedule for Release of Funds), C (Project Completion Report Requirements), D (Oregon Prevailing Wage Rate Law), and E (Project Description, which is compromised of (i) its Annual Work Plan and Budget for the first year of the 2023-25 biennium and (ii), once submitted pursuant to the Reporting Schedule in Exhibit B, its Annual Work Plan and Budget for the second year of the 2023-25 biennium).

A. Authorization

This grant is authorized by ORS 541.890 to 541.958 and is subject to Oregon Administrative Rules 695-040-0010 to 695-040-0150, as such rules may be periodically amended by the Board.

B. Purpose

The purpose of this Agreement is to support Grantee in carrying out one or more of the following activities as more specifically described in Exhibit E: .

1. Acquire from willing owners interests in land or water;
2. Projects to protect or restore native fish or wildlife habitats;
3. Projects to protect or restore natural watershed functions to improve water quality or stream flows; or
4. Resource assessment, planning, design and engineering, technical assistance, monitoring; and outreach activities necessary for 1-3 above.

C. Grant Award

Grantee agrees to perform the Project described in the grant application (Exhibit E) and as specified in this Agreement. The Board will disburse Grant Funds in accordance with Exhibit A (Schedule for Release of Funds). Grantee agrees that funds provided by the Board will be used only for the Project.

“Payee” designated on page one (1) of this Agreement means the person or entity designated by Grantee to administer grant payments under this Agreement.

D. Term of Agreement

Unless otherwise specified in Exhibit B, upon signature by all parties, this Agreement is effective on the date that it is fully executed and approved as required by law as of the Award Date specified on page one (1) of this Agreement, and the project period begins on the Award Date and expires on the Project Completion Date specified on page one (1) of this Agreement.

E. Funding Conditions

The Board’s obligation to disburse funds to Grantee under this Agreement is subject to the Board having received, on the date of each disbursement, sufficient funding, appropriations, limitations, allotments, or other expenditure authority to allow the Board, in the exercise of its reasonable administrative discretion, to make each disbursement. Nothing in this Agreement entitles Grantee to receive payment under this Agreement from any part of Oregon state government other than the Board, and nothing in this Agreement is to be construed as permitting any violation of Article IX, section 7 of the Oregon Constitution or any other law regulating liabilities or monetary obligations of the State of Oregon.

As a condition for the disbursement of any Board funds, Grantee agrees to do the following:

1. Comply With Implementation Conditions

- (a) Submit to the Board’s Project Manager, before release of any Board funds for the Project components requiring permits or licenses, or for activities dependent on portions of the Project for which a permit or license has yet to be issued, copies of all permits and licenses from local, state or federal agencies or governing bodies that have been obtained, or written evidence acceptable to the Board that permits and licenses are not needed as required by ORS 541.932(10).
- (b) Provide written notice to the Board’s Project Manager of any Grantee address changes, Grantee Project Manager changes or Payee changes.

2. Document and Report Project Completion; Board Approval

- (a) Submit to the Board's Project Manager all receipts, expenditure tracking sheets, and records through the Project Completion Date, to document expenditure of grant fund installments, and to account for all other funding, in-kind contributions and donations in the Project Completion Report.
- (b) Submit to the Board's Project Manager within 60 days after the Project Completion Date, a Project Completion Report and the final Request for release of Funds that complies with Exhibit C, and includes any special reporting required in Exhibit B. Reports received after 60 days will be marked as "outstanding" until approved by the Board's designee. New grant agreements will not be released if Grantee has any outstanding reports.
- (c) Upon receipt of a Project Completion Report and the final Request for Release of Funds, the Board's designee has 90 days to either approve the report and release final funds, or notify Grantee of any concerns or missing information that must be submitted before the report is considered complete. If there are any unresolved issues 90 days after receipt of the Project Completion Report and the final Request for Release of Funds, then the grant will be marked "outstanding." New grant agreements will not be released if Grantee has any outstanding reports.

F. Records Maintenance and Access

- 1. Access to Records and Facilities.** The Board, the Secretary of State's Office of the State of Oregon and their duly authorized representatives will have access to the books, documents, papers and records of Grantee that are directly related to this Agreement, the grant moneys provided hereunder, or the Project for the purpose of making audits and examinations. In addition, the Board, the Secretary of State's Office of the State of Oregon and their duly authorized representatives may make and retain excerpts, copies and transcriptions of the foregoing books, documents, papers and records. Grantee will permit authorized representatives of the Board, and the Secretary of State's Office of the State of Oregon and their duly authorized representatives to perform site reviews of all services delivered as part of the Project.
- 2. Retention of Records.** Grantee will retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the grant moneys or the Project for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following termination or expiration of this Agreement. If there are unresolved audit questions or litigation at the end of the six-year period, Grantee will retain the records until the questions or litigation is resolved.
- 3. Expenditure Records.** Grantee will document the expenditure of all grant moneys disbursed by the Board under this Agreement. Grantee will create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit the Board to verify how the grant moneys were expended, including without limitation accounting for all other funds expended, as well as in-kind services and donated materials.

G. Amendments; Changes in Project Approved by Board

1. Except as provided in Section G(3), any modifications of this Agreement must be mutually agreed to in writing by all parties.
2. All amendments, such as award amendments, time extensions and reinstatements may proceed regardless of reporting obligation status.
3. Grantee agrees to complete the Project as approved by the Board unless proposed modifications to the Project are submitted in writing to, and approved in writing by, the Board's Project Manager or, if required by this Agreement, the Board's Program Manager, prior to the beginning of any work proposed in the modification. Modifications to the budget categories shown in Exhibit A may be approved for change upon signature of the Board's Project Manager.

H. Assignment

Grantee will not assign or transfer its interest in this Agreement without prior written approval from the Board.

I. Permission Required to Access Private Property; Access to Project Sites

In carrying out this Agreement, Grantee will not access any private property without first obtaining written consent from the landowner of the private property. Grantee will direct its contractors not to access private property without first obtaining written consent from the landowner of the private property.

J. Public Domain Information

Projects funded by this grant may be used in the collection of monitoring information on private lands about the effects of the Project on aquatic or terrestrial conditions. Grantee acknowledges that all monitoring information obtained from private lands may become public information subject to the requirements of ORS 192.311 to 192.478.

K. Termination of Grant Agreement

1. This Agreement may be terminated:
 - (a) At any time by mutual written consent of all parties;
 - (b) Upon written notice by the Board to Grantee for Grantee's failure to perform any provision of this Agreement;
 - (c) Upon 30 days written notice by the Board to Grantee for any other reason specified in writing; or
 - (d) At any time, upon written notice by the Board, if the Board lacks sufficient funding, appropriations, limitations, allotments, or other expenditure authority to allow the Board, in the exercise of its reasonable administrative discretion, to disburse the grant funds.
2. Within 30 days of termination, Grantee will return to the Board any unspent funds provided by the Board under this Agreement in accordance with Section P, Recovery of Grant Funds. The Board will reimburse Grantee for eligible expenses incurred before the termination under this Agreement.

L. Compliance With Applicable Law

Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Agreement or to the Project. Without limiting the generality of the foregoing, Grantee expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to the Agreement or the Project: (a) all applicable requirements of state civil rights and rehabilitation statutes, rules and regulations, (b) Titles VI and VII of the Civil Rights Act of 1964, as amended, (c) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, (d) the Americans with Disabilities Act of 1990, as amended, (e) Executive Order 11246, as amended, (f) the Health Insurance Portability and Accountability Act of 1996, (g) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended, (h) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (i) all regulations and administrative rules established pursuant to the foregoing laws, and (j) all other applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement or the Project and required by law to be so incorporated. Grantee shall not discriminate against any individual, who receives or applies for services as part of the Project, on the basis of actual or perceived age, race, creed, religion, color, national origin, gender, disability, marital status, sexual orientation, age or citizenship. All employers, including Grantee, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under state law.

M. Grantee Authority

The individual signing on behalf of Grantee hereby certifies and swears under penalty of applicable law that s/he is authorized to act on behalf of Grantee, has authority and knowledge regarding Grantee's payment of taxes, and to the best of her/his knowledge, Grantee is not in violation of any Oregon tax laws.

N. Indemnity

Subject to the limitations of the Oregon Tort Claims Act (ORS 30.260 - 30.300), Grantee will defend (subject to any limitation imposed by ORS Chapter 180), save, hold harmless, and indemnify the State of Oregon and the Board and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Grantee or its officers, employees, contractors, or agents under this Agreement or in the implementation of the Project.

O. Designation of Forum

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

P. Recovery of Grant Funds

Any funds disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement or that remain unexpended on the earlier of termination of this Agreement or the Project Completion Date must be returned to the Board not later than 30 days after the Board's written demand.

Q. Counterparts

This Agreement may be executed in several counterparts, including by facsimile or by signature on a portable document format (pdf) delivered by email, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

R. Insurance

1. Grantee shall carry the insurance types and amounts described below and will continue this coverage through Project completion. In addition, Grantee shall require that all contractors or consultants hired for construction, restoration, technical design, assessment or monitoring contracts carry the minimum insurance types and amounts described below. The minimum insurance requirements do not apply to contractors not engaged in these types of activities, for example, those engaged in facilitation, data analysis, or web design. Contractor insurance requirements do not apply to landowners with whom Grantee is contracting to perform work on the landowner's property.

| Insurance Type | Minimum Amount |
|-------------------|--|
| General liability | \$1,000,000 per occurrence, \$2,000,000 annual aggregate |
| Auto liability | \$1,000,000 combined single limit |

2. If requested by the Board, Grantee shall provide to the Board Certificate(s) of Insurance for all required insurance. As proof of insurance the Board has the right to request copies of insurance policies and endorsements relating to the insurance requirements in this Agreement.
3. Grantee or the insurer must provide at least 30 days' written notice to the Board before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

THIS AGREEMENT, INCLUDING ALL MATERIALS INCORPORATED BY REFERENCE, CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES ON THIS SUBJECT. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HERE REGARDING THIS AGREEMENT. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THE FAILURE OF THE BOARD TO ENFORCE ANY PROVISION OF THIS AGREEMENT SHALL NOT CONSTITUTE A WAIVER BY THE BOARD OF THAT OR ANY OTHER PROVISION. GRANTEE, BY EXECUTING THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT GRANTEE HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

AGREED:

FOR GRANTEE:

FOR THE BOARD:

Grantee Signature

Print Name

Date

Date

EXHIBIT A
SCHEDULE FOR RELEASE OF FUNDS

All fund requests shall comply with the Board's Billing Instructions and Budget Categories Definitions and Policies, (provided on the Forms page of the OWEB website) and be submitted using the most current Request for Release of Funds form signed by the Grantee, Payee, or other agent authorized by Grantee. Disbursement of funds is subject to the Board having sufficient funding on the date of each disbursement. Payment requests will be processed after approval by the Board's Project and Fiscal Managers or delegates. Funds are released upon Board approval of the expense tracking spreadsheet documenting all Board expenses for purchases or work accomplished.

Grant fund installments will be made on a quarterly disbursement of the biennial grant award. The Board may agree to release funds in advance on the basis of the Board's approval of a detailed estimate of expenses. The expense tracking sheet must be submitted to document Board funds previously advanced for this grant.

Grantees must ensure accounting controls are in place to prevent double charging an expense to the capacity grant and the grant administration budget category in a project grant. Also, if the Grantee charges Grant Administration using the 10% de minimis option in other OWEB grants, the grantee cannot collect more funds than expenses between the District Capacity grant operations costs and the other OWEB project grants grant administration costs. Upon request of OWEB, grantees receiving District capacity grants will furnish expenditure and revenue reports, payroll records, timesheets and receipts documenting the total operating revenues collected and total operating expenses charged for the district for the period requested.

The grant budget consists of the elements listed below.

| Budget Category | Amount |
|------------------------------|---------------------|
| OWEB Funds | |
| Salaries, Wages and Benefits | \$176,788.00 |
| Contracted Services | \$15,200.00 |
| Other | \$1,200.00 |
| | |
| | |
| | |
| Grant Total | \$193,188.00 |

Submittal and Board approval of a Project Completion Report and final Request for Release of Funds will authorize the Board to retain any remaining unspent funds.

EXHIBIT B
CONDITIONS OF AGREEMENT

1. Project Specific: First Payment

The first quarterly payment, which includes both Technical Assistance Funds and 50% of the District Operations Fund, will be distributed upon the Board's receipt and approval of:

- i. This signed grant agreement.
- ii. Current Long-Range Plan (LRP): Must have a current LRP on file with ODA (ORS 568.554).
- iii. 2023-2024 Annual Work Plan (AWP): Submit the SWCD Board approved AWP for each fiscal year (ORS 568.554).
- iv. Scope of Work and Focus Area Action Plan.
- v. Budget.

2. Project Specific: Quarterly Advances

Quarterly advances will be distributed upon the Board's receipt and approval of:

- i. Grantee's updated Expense Tracking Sheet;
- ii. a completed Payment Request Form for the succeeding quarter; and
- iii. approved quarterly progress report.

3. Project Specific: July 2024 Progress Report Requirements

The remaining fifty percent (50%) of the District Operations Fund will be distributed upon the Board's receipt and approval of:

- i. Grantee's July 2024 progress report.
- ii. 2024-2025 Annual Work Plan (AWP): Submit the SWCD Board approved AWP for each fiscal year (ORS 568.554).
- iii. 2023-2024 Submit annually a copy of the Report to the Secretary of State: 1) In Lieu of Audit Report, 2) A Financial Review, or 3) Full Audit (ORS 568.610 and ORS 297.435).
- iv. 2023-2024 Annual Report: Submit each fiscal year a copy from presentation at the Annual Meeting (ORS 568.580). (Must reflect the work accomplished from the most recent past year's Annual Work Plan).
- v. 2023-2024 Annual Meeting and Notice: 1) Submit annually the board Resolution setting the Annual Meeting date, and 2) Copy of the newspaper public notice reflecting two publishing dates, both published no later than 15 days prior to the Annual Meeting (ORS 568.580 and ORS 568.950).

4. Project Specific: July 2025 Progress Report Requirements

- i. 2024-2025 Submit annually a copy of the Report to the Secretary of State: 1) In Lieu of Audit Report, 2) A Financial Review, or 3) Full Audit (ORS 568.610 and ORS 297.435).
- ii. 2024-2025 Annual Report: Submit each fiscal year a copy from presentation at the Annual Meeting (ORS 568.580). (Must reflect the work accomplished from the most recent past year's Annual Work Plan)
- iii. 2024-2025 Annual Meeting and Notice: 1) Submit annually the board Resolution setting the Annual Meeting date, and 2) Copy of the newspaper public notice reflecting two publishing dates, both published no later than 15 days prior to

the Annual Meeting (ORS 568.580 and ORS 568.950).

5. Project Specific: Other

Reporting deadlines for submitting the progress reports to the Board's Project Manager:

- i. October 16, 2023**
- ii. January 16, 2024**
- iii. April 15, 2024**
- iv. July 15, 2024**
- v. October 15, 2024**
- vi. January 15, 2025**
- vii. April 15, 2025**
- viii. July 15, 2025**

EXHIBIT C

PROJECT COMPLETION REPORT REQUIREMENTS

Oregon Administrative Rule 695-010-0100(1) states that “Grantee must submit a report at completion of the Project describing the work done and placing it in its larger watershed context.” Therefore, **Grantee must submit an Online Project Completion Report within 60 days following the Project Completion Date.**

The grantee must submit the project completion report through the Board’s Grant Management System (OGMS). Electronic submission requires an OGMS User Identification and password. To request a User Identification and password, call (503) 986-0183.

- 1. Submit the final Scope of Work, which consists of a summary of all 8 quarters accomplishments.**

EXHIBIT D
OREGON PREVAILING WAGE RATE LAW

1. The prevailing wage rate requirements that may apply to the Project are set forth in ORS 279C.800 through 279C.870 and the administrative rules promulgated thereunder (OAR Chapter 839, Division 25) (collectively, "PWR"). If applicable, Grantee shall:
 - a) comply with PWR, require its contractors and subcontractors to pay the applicable PWR rates and to comply with all other Oregon Bureau of Labor and Industries ("BOLI") requirements pursuant to the PWR, including on all contracts and subcontracts and in filing separate public works bonds with the Construction Contractors Board; and
 - b) pay to BOLI, within the required timeframe and in the appropriate amount, the project fee required by OAR 839-025-0200 to 839-025-0230, including any additional fee that may be owed upon completion of the Project.
2. Grantee represents and warrants that it is not on the BOLI current List of Contractors Ineligible to Receive Public Works Contracts and that it will not contract with any contractor on this list.
3. Pursuant to ORS 279C.817, Grantee may request that the Commissioner of BOLI make a determination about whether the Project is a public works on which payment of the prevailing rate of wage is required under ORS 279C.840.

Information regarding prevailing wage rate law can be found on the Bureau of Labor and Industries website at http://www.oregon.gov/BOLI/WHI/PWR/Pages/W_PWR_Pwrbk.aspx.

EXHIBIT E

**PROJECT DESCRIPTION:
WORK PLAN AND BUDGET FOR THE 23-25 BIENNIUM**

Task 1: Agricultural Water Quality Landowner* Engagement: Task description: Develop materials and conduct events for agricultural landowners, directly related to the specific strategies and activities in the Agricultural Water Quality Management Area Plan (Area Plan).

Estimated budget percentage and funds: **10% (\$13523.20)**

Task 2: Technical Assistance for Landowners: Task description: Provide technical assistance to agricultural landowners, directly related to the specific strategies and activities in the Area Plan or the Area Rules.

Estimated budget percentage and funds: **80% (\$108185.60)**

Task 3: Biennial Review Activities: Task description: Participate in and provide support to ODA for all biennial reviews of the Agricultural Water Quality Management Area Plan(s) that overlap the district's boundary, including interim or subcommittee meetings. Review and contribute to revisions of the Area Plan(s). Report activities and progress made related to milestones, outputs, and outcomes (district-wide, in Strategic Implementation Areas, and in Focus Areas).

Estimated budget percentage and funds: **5% (\$26761.60)**

Task 4: Task 4: Ag Water Quality Monitoring (Some Activities Require ODA Pre-Approval) : Task description: Participate in monitoring of instream water quality or land conditions. Must relate to ag water quality.

Monitoring Types:

- A. SWCD-led monitoring: An ODA-approved monitoring plan is required before any monitoring will be paid for by SOW funds. This plan will be either: (1) the ODA Monitoring Plan template, or (2) a Sampling and Analysis Plan (SAP) approved by the Oregon Department of Environmental Quality (DEQ), or both. Discuss options with your ODA RWQS. Unless otherwise approved by the ODA Monitoring Lead, all water quality data are expected to meet DEQ's "A" level quality criteria and must be submitted to DEQ within one year of collection.
- B. SWCD-assisted monitoring: Briefly describe partner(s) and SWCD role(s), parameters to monitor, frequency, and geographic scope.
- C. Grant writing to fund monitoring.

Estimated budget percentage and funds: **0% (\$0.00)**

Task 5: Partnerships for AgWQ assessments, project planning, securing funding, and etc.: Task description: Collaboration with partners, stakeholders, agencies, and organizations. Activities must be related to ag water quality. Reporting narrative should describe which partnership, the partners, the purpose, etc.

Estimated budget percentage and funds: **0% (\$0.00)**

Task 6: Staff Training: Task description: Ag water quality-related training for SWCD staff.

Estimated budget percentage and funds: **0% (\$0.00)**

Task 7: Other Activities: Task description: Workgroup participation, technical assistance, or other activities not directly related to ag water quality or implementation of the Area Plan. Must meet the purpose and requirements of Measure 76 (restore and protect natural resources, including fish and wildlife habitat and watersheds)

Estimated budget percentage and funds: **0% (\$0.00)**

Task 8: Task 8: SOW Development, Tracking, and Reporting: Task description: Time spent to develop, track, and report on SOW activities and finances.

Estimated budget percentage and funds: **5% (\$26761.60)**

Task 9: Focus Area: Task description: The Focus Area is an SWCD-led effort to concentrate implementation of the Area Plan in a watershed. The Focus Area process involves documenting initial conditions and tracking outcomes resulting from implementation. Focus Area results allow the Ag Water Quality Program to quantify progress toward achieving ag water quality goals.

Estimated budget percentage and funds: **0% (\$0.00)**

Additional project details are in the Grantee's project application no. 224-900-23112 located in the OWEB Grant Management System; the application and file are available upon request from the Board's Project Manager identified on the first page of this Grant Agreement.



DOUGALL CONRADIE LLC
CERTIFIED PUBLIC ACCOUNTANTS

Geoffrey Dougall, CPA
Heather Jackson, CPA
Lee Owen, CPA
Richard Winkel, CPA
Members of AICPA & OSCPA

July 13, 2023

To Board of Directors and Management

East Multnomah Soil and Water Conservation District

We are pleased to confirm our understanding of the services we are to provide East Multnomah Soil and Water Conservation District for the year ended June 30, 2023. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of East Multnomah Soil and Water Conservation District as of and for the year ended June 30, 2023. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement East Multnomah Soil and Water Conservation District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to East Multnomah Soil and Water Conservation District's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Statement of Activities – Budget and Actual – General Fund

We have also been engaged to report on supplementary information other than RSI that accompanies East Multnomah Soil and Water Conservation District's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Statement of Activities – Budget and Actual – Nonmajor Funds
- 2) Schedule of property tax transactions

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of East

Multnomah Soil and Water Conservation District's financial statements. Our report will be addressed to the Board of Directors of East Multnomah Soil and Water Conservation District. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of East Multnomah Soil and Water Conservation District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also assist in preparing the financial statements of East Multnomah Soil and Water Conservation District in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Dougall Conrady LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to government agencies. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Dougall Conrady LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the agency or its designee. The government agencies may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

Richard Winkel is the engagement partner and is responsible for supervising the engagement and signing the report.

Our fee for these services will not exceed \$8,000. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to East Multnomah Soil and Water Conservation District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the letter and return a copy to us.

Very truly yours,



Richard Winkel, Partner
Dougall Conradie LLC

RESPONSE:

This letter correctly sets forth the understanding of East Multnomah Soil and Water Conservation District.

Management signature: _____

Title: _____

Governance signature: _____

Title: _____



RURAL LANDS PROGRAM SUPERVISOR JOB DESCRIPTION

Position Overview:

The Rural Lands program supervisor is responsible for all aspects of program development, budgeting, planning, reporting, administration, and supervision for the Rural Lands program. The Rural Lands program consists of 1-7 direct reports.

The primary charge of the Rural Lands program supervisor is to guide and implement rural programs and projects that focus on rural water quality improvement, technical and financial assistance for landowners, revegetation of waterways, invasive weed control, land conservation, new farmer development, and climate change adaptations.

Classification: Exempt (Salaried, not eligible for overtime) /Averages 40 hrs/wk; flexible schedule

Reports To: Executive Director

Primary Responsibilities:

Program Development and Implementation (~40%)

- Lead, guide and assist with program development, planning, reporting, and day-to-day implementation for all Rural Lands-related activities.
- Develop and manage program-related budgets; approve and track program expenditures and activities, ensuring that they fall within budget and scope of work.
- Partner with external entities to promote and provide community support for EMSWCD programs; identify natural resource concerns in the EMSWCD's service area and create partnerships and strategies to address the concerns; network with individuals, community groups and public agencies regarding related programs and activities; help guide statewide and regional projects and campaigns that develop products or provide services that benefit the EMSWCD.
- Oversee and direct marketing to targeted audiences for programs; marketing may include social media, web page, advertisements, mailings, and displays that promote programs and resource conservation; oversee and direct production and/or updates of program materials and web content as needed; oversee the design and development of fliers, displays, promotional and other written materials.
- Oversee and direct outreach to program-related constituents, external entities, and partners; oversee, lead or assist with group meetings and workshops to

inform organizational leaders, agricultural producers and land user groups about program-related problems and solutions.

Staff Supervision and Leadership (~40%)

- Recruit, train, supervise, lead, coach, mentor, evaluate, and discipline 1- 7 staff.
- Establish and lead the program staff as a team, creating cohesion, coordination, communication, and collaboration.
- Establish staff annual work plans and perform annual performance reviews.
- Hold 1x1 meetings and team meetings with staff to provide direction and feedback.
- Provide daily/weekly oversight, direction, and feedback for staff as necessary.
- Review and approve staff work products and attend project meetings.
- Ensure appropriate inter and intra-program coordination and collaboration.
- Provide other staff support as necessary.

EMSWCD Leadership Team (~20%)

- Serve on EMSWCD leadership team; report directly to the Executive Director (ED); collaborate closely with other program supervisors; attend leadership team meetings; prepare for, host, present at, and attend EMSWCD Board and committee meetings; work directly with Board members; contribute to district-wide planning efforts; represent and speak on behalf of the EMSWCD with media and at external meetings and events; contribute to and/or lead as necessary activities for other program supervisors; as a member of the leadership team, serve as the ED in the ED's absence.
- Non-discrimination: Deliver and ensure all services are provided without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. Perform all job duties in a manner that consistently demonstrates fairness, cooperation, and respect toward co-workers, office visitors, landowners, and all others. Must be proficient in English (spoken and written) for communicating with landowners and staff. Performs all duties in a manner that consistently demonstrates fairness, cooperation, and respect toward co-workers, office visitors, and all others in the performance of official business. Demonstrate an awareness of EEO policies and responsibilities.
- Safety: Perform all job duties in a safe manner with guidance from EMSWCD and NRCS regarding federal, state, and local laws pertinent to job safety. Participate in safety training and staff safety meetings as scheduled.
- Actively participate and contribute to equity-related efforts

Other Responsibilities:

- Active participation in team and organization-wide staff meetings

- Represent EMSWCD in a positive and professional manner to constituents, clients, public officials, community groups, and other business partners. Attend business related functions as requested by the Executive Director or Program Supervisor
- Actively participate and contribute to equity-related efforts
- Other duties as assigned by the Executive Director

Required Knowledge, Skills, & Abilities:

- Demonstrated working knowledge of practical techniques related to low-impact farming, water quality improvement and conservation, soil management and improvement, and habitat restoration.
- Knowledge of a wide range of conservation principles, methods, and techniques sufficient to assess, analyze, and evaluate resources and program practices.
- Knowledge of watershed dynamics, water quality issues, native vegetation, ecology, invasive weeds, erosion prevention, and other conservation issues preferred.
- Knowledge of agricultural, forestry, grazing and other land uses and practices preferred.
- Knowledge of the roles of SWCDs, watershed councils, conservation organizations, natural resource agencies, and community organizations. An understanding of the unique role of SWCDs is highly desired.
- Demonstrated ability to discuss soil and water-related problems and conservation practices.
- Skill in clearly presenting supporting facts and data justifying the rationale for specific recommendations and alternatives.
- Must be proficient in English (oral and written) for communicating with EMSWCD Board members and staff, partner staff, and landowners; proficiency in one or more other languages is desired.
- Must possess excellent inter-personal, written, oral communication, and public speaking skills.
- Must possess the full suite of Microsoft-based computer skills; use of Microsoft Office is required.
- Ability to perform administrative, program design, development, and reporting activities.
- Ability to initiate contact with diverse individuals and groups.
- Ability to work with a wide variety of constituents and project sites.
- Ability to take a problem-solving approach to the work, while also consulting with EMSWCD staff and partner staff to ensure compliance with EMSWCD, state, and local jurisdiction guidelines.
- Ability to work effectively with a variety of staff, including NRCS, District staff and partner organizations.
- Actively participate and contribute to equity-related efforts

- Ability to ensure compliance with EMSWCD policy, state, federal and local requirements
- Excellent organizational, time management, and project management skills
- Ability to multi-task efficiently and switch priorities as needed. Ability to work calmly and effectively under deadlines
- Excellent written & verbal communication skills including plain language skills
- Ability to appropriately use discretion in all work activities. Ability to ensure confidential information is managed appropriately
- The ability to present in an engaged manner with diverse populations, to include constituents, clients, public officials, community groups, and other partners
- Ability to work independently, be proactive and self-directed
- Cooperative & collaborative team member. Ability to communicate in a professional and respectful manner with all colleagues, constituents, clients, public officials, community groups, and other partners
- Proficient in standard office procedures, software, and communications technology. Ability to effectively and efficiently use Microsoft Office, Google-Suite, and standard communications platforms. Knowledge of GIS software preferred.
- Commitment to the principles of diversity, equity, and inclusion
- Performance of assigned duties is completed in accordance with established procedures. Procedures that cover the assigned work include EMSWCD annual work plans, EMSWCD policies and procedures, Oregon Department of Agriculture Guidelines for SWCDs, and Oregon public meetings law

Minimum Qualifications:

- Master degree in natural resource or environmental science-related field preferred; minimum of a Bachelor degree in same field required.
- At least 40 hours of technical training in the subject area of position.
- At least 40 hours of professional-level program/project management training.
- At least 40 hours of professional-level leadership/supervisory training.
- At least 10 years professional experience in natural resource-related field.
- At least five years of professional experience that included program leadership, project management, budget management, and staff supervision.
- At least five years of professional experience that included developing and implementing multi-faceted natural resource-related activities.

Combination of equivalent lived experience and/or related professional work may be considered.

Working Conditions/Physical Requirements: The following work conditions/physical requirements are required of the person in this position, with or without reasonable accommodations.

This position will be required to travel, participate in conferences, give presentations internally and externally, and may work evenings and weekends to meet project deadlines, attend events, and complete position responsibilities.

Access to reliable transportation is required.

Valid driver's license and driving record which meets EMSWCD insurance standards is required.

Work is usually performed in an indoor office environment with long periods at a desk.

Work in an outdoor environment may be required. The employee may be subject to inclement weather as part of conducting required activities.

Environment is oriented to client service and subject to constant work interruptions. Employees may work under the stress of continual client and/or inter-departmental contact and pressure to meet deadlines.

The employee must be able to move about the facility to communicate with staff members. Must occasionally lift and/or move up to 25 pounds.

The EMSWCD office is the primary work location for this position; and is a smoke-free and drug-free environment. Work is to be conducted primarily from the EMSWCD facilities, or specific work site locations identified by EMSWCD.

The individual who holds or desires the position must be able to perform all tasks and responsibilities in this job description unaided or with the assistance of a reasonable accommodation. Nothing in this job description restricts management's right to assign or reassign duties and responsibilities to this job at any time.



JOB DESCRIPTION: Senior Community Outreach and Engagement Coordinator – Rural Lands Focus

Position Overview: This position will lead outreach and engagement for the District, implementing the organization's strategic goals by collaborating and building lasting relationships with people from diverse backgrounds including internal colleagues, partner organizations and agencies, businesses, volunteers, and local residents.

This position will also help lead and develop creative and compelling communications products and strategies with a specific focus on the Rural Lands Program and Spanish-language speakers. Responsibilities include promoting programs and offerings to rural, private landowners through a wide variety of outreach activities including, but not limited to, educational workshops, presentations, tabling at community and other events, email outreach, social media, paid media, press coverage, and website communications. The position works independently with minimal day to day direction.

Classification: Exempt (Salaried, not eligible for overtime) / Averages 40 hours/week; flexible schedule

Reports To: Community Outreach and Engagement Program Supervisor

Primary Responsibilities:

Planning and Project Management

- Excellent organizational, time management, and project management skills with the ability to switch priorities as needed. Work calmly under tight timelines.
- Participate in the development and implementation of the District's Communications Strategic Plan
- Identify outreach needs and plan outreach events across program areas with a focus on the Rural Lands Program.
- Coordinate/manage outreach campaigns and projects across program areas and in partnership with Rural Lands staff.
- Independently develop and implement specific courses of action.
- Provide budget estimates to Program Supervisors for program budget development.
- Help create and implement a calendar of outreach and education events.

Conservation Knowledge and Practices

- Knowledge of land conservation and watershed dynamics, water quality issues, native and invasive vegetation, ecology, erosion prevention, and other conservation issues.

General Outreach/Education

- Design and implement community engagement, communications, marketing and outreach materials.
- Excellent inter-personal, verbal, and public speaking skills with the ability to communicate complex concepts, deliver engaging presentations to a broad range of groups and individuals including public officials, community members, landowners, farmers and businesses.
- Serve as the Rural Lands Program lead for marketing, outreach and education activities.
- Skilled in Adobe Creative Suite or other design programs.
- Promote events, workshops, and program offerings through written articles to newspapers, online event calendars, newsletters, and social media, among others.
- Table at partner, community, and other public events.
- Create and deliver education and outreach presentations that inform and engage constituents; provide landowners with relevant resources.
- Create customizable displays that engage a variety of audiences.
- Identify additional methods to reach and engage our constituency.
- Respond to inquiries via website, phone, and email.
- Conducting meetings and presentations on virtual meeting platforms such as GoToMeeting, Zoom and Teams.
- Develop mail and email marketing campaigns.
- Write and edit a wide variety of materials, as needed.

Workshops & Partner Events

- In collaboration with external partners and program team members, develop topics and workshop presentations; coordinate and host workshops; deliver presentations; and recruit and oversee presenters.
- Post workshops to website; manage participant registrations, wait lists, and reply to inquiries.
- Coordinate promotion through mailings, email marketing, social media, articles, and online calendars.
- Update scheduling documents, participant handouts, presentations and supplies as needed.

Internal Leadership

- Represent Community Outreach and Engagement Team on internal committees.
- Provide leadership on internal initiatives and processes.
- Cooperative and collaborative team member.
- Actively participate in team and organization-wide staff meetings
- Serve as subject matter expert on outreach strategy and materials design.

External Leadership

- Represent EMSWCD in partner groups and at meetings and events.
- Lead engagement of stakeholder groups in decision making.
- Provide expertise and guidance to partners on outreach strategy, design, and marketing.

- Represent EMSWCD on local and/or statewide campaigns, partnerships, committees, work groups, planning teams and other efforts that help build capacity and support future program development & evaluation.
- Supervise the work of contractors, vendors, and manufacturers.

Justice, Equity, Diversity, and Inclusion (JEDI)

- Commitment to the principles of diversity, equity, and inclusion.
- Actively participate in Diversity & Equity monthly trainings and related assignments/tasks; Apply equity and accessibility lens to all work-plan tasks.
- Lead and/or support programmatic and organization-wide justice, equity, diversity, and inclusion work.
- Help develop program proposals and/or recommendations on how EMSWCD programs can better reach and serve our diverse communities.

Tracking and Reporting

- Export data for reporting purposes in preparation for mailing lists, email announcements, and surveys.
- Tabulate data from workshop evaluations and use findings to identify areas that need improvement, other content the public is interested in, and demographics.
- Support Rural Lands staff with preparation for a new CRM database.

Other Responsibilities:

- Prepare and execute a work plan that meets program objectives. This includes the ability to strategically set priorities, goals, and timetables.
- Proficient in standard office procedures, software, and communications technology; able to use Microsoft Office, Google-Suite, and standard communications platforms such as WordPress, Mailchimp, Survey Monkey effectively and efficiently.
- Represent EMSWCD in a positive and professional manner to constituents, clients, public officials, community groups, businesses and other partners.
- Comply with EMSWCD policy, state, federal and local requirements and in accordance with established procedures.
- Use discretion in all work activities, ensuring that confidential information is managed appropriately.
- Other duties as assigned.

Working Conditions/Physical Requirements: The following work conditions/physical requirements are required of the person in this position, with or without reasonable accommodation.

This position is required to travel, participate in conferences, give presentations internally and externally, and may work evenings and weekends to meet project deadlines, attend events, and complete position responsibilities.

Access to reliable transportation is required.



JOB DESCRIPTION: Senior Community Outreach and Engagement Coordinator – Urban Lands Focus

Position Overview: This position will lead outreach and engagement for the District, implementing the organization's strategic goals by collaborating and building lasting relationships with people from diverse backgrounds including internal colleagues, partner organizations and agencies, businesses, volunteers, and local residents. This position supports the district through high-level data collection/analysis, project management, and program development and evaluation.

This position will also help lead and develop creative and compelling communications strategies with a specific focus on the Urban Lands Program. Responsibilities include promoting District programs and offerings through a variety of outreach and engagement activities including, but not limited to community events, presentations, information sessions, surveys, email outreach, and website communications. The position works independently with minimal day to day direction.

Classification: Exempt (Salaried, not eligible for overtime) /Averages 40 hours/week; flexible schedule

Reports To: Community Outreach and Engagement Program Supervisor

Primary Responsibilities:

Planning and Project Management

- Excellent organizational, time management, and project management skills with the ability to switch priorities as needed. Work calmly under tight timelines
- Participate in the development and implementation of the District's Communications Strategic Plan
- Coordinate/manage outreach campaigns and projects across program areas.
- Independently develop and implement specific courses of action.
- Provide budget estimates to Program Supervisors for program budget development.
- Help create and implement a calendar of outreach and education events.

Conservation Knowledge and Practices

- Knowledge of land conservation and watershed dynamics, water quality issues, native and invasive vegetation, ecology, erosion prevention, and other conservation issues.

General Outreach/Education

- Design and implement community engagement, communications, marketing and outreach materials.
- Excellent inter-personal, verbal, and public speaking skills with the ability to communicate complex concepts, deliver engaging presentations to a broad range of groups and individuals including public officials, community members, landowners, farmers and businesses.
- Identify outreach needs and plan outreach events across program areas including engaging the public at select Urban Lands programs, workshops, projects and events.
- Coordinate promotion of District activities/offers through webforms and postings, mailings, email marketing, social media, articles, and online calendars.
- Create excellent written communications including writing project plans, reports, correspondence, and other documents appropriate to different audiences.
- Create customizable displays that engage a variety of audiences.
- Identify additional methods to reach and engage our constituency.
- Conducting meetings and presentations on virtual meeting platforms such as GoToMeeting, Zoom and Teams.
- Develop mail and email marketing campaigns.
- Write and edit a wide variety of materials, as needed.

Data Analysis & Program Evaluation

Implement Evaluation Plans developed in coordination with Program Area Teams to better measure the success/impact of programing. Help refine plans as needed.

Data Collection and Analysis:

- Stay current on inclusive demographic data collection BMPs, update methods as needed.
- Assist Program Area Teams in survey development to ensure alignment with survey best practices and adherence to EMSWCD's demographic data collection guidelines
- Analyze survey results to identify strengths, weaknesses, gaps, and assess how programs are helping to meet stated goals. Provide recommendations for program improvements and updates.
- Create improved systems for gathering, tracking and storing program data using databases and other data collection and analysis tools.

Program Evaluation

- Continue implementing the Urban Lands workshop evaluation plan. Refine as needed.
- Develop a logic model, measurement framework and additional evaluation mechanisms to support additional Urban Lands program areas.
- Assist other Program Area Teams in developing program evaluation plans as needed/desired.

Urban Lands Data Management:

- Continue implementing the Urban Lands workshop survey improvement project. Refine as needed.
- Support Urban Lands staff with Access database maintenance tasks in preparation for the migration to a new CRM database.
- Oversee the annual surveying of Urban Lands program participants, analyze data, and report findings to program and/or organization.

Internal Leadership

- Represent Community Outreach and Engagement Team on internal committees.
- Provide leadership on internal initiatives and processes.
- Cooperative & collaborative team member.
- Actively participate in team and organization-wide staff meetings
- Serve as subject matter expert on outreach strategy and materials design.

External Leadership

- Represent EMSWCD in partner groups and at meetings and events.
- Lead engagement of stakeholder groups in decision making.
- Provide expertise and guidance to partners on outreach strategy, messaging, design, and program evaluation.
- Represent EMSWCD on local and/or statewide campaigns, partnerships, committees, work groups, planning teams and other efforts that help build capacity and support future program development & evaluation.
- Supervise the work of contractors, vendors, and manufacturers.

Justice, Equity, Diversity, and Inclusion (JEDI)

- Commitment to the principles of diversity, equity, and inclusion.
- Actively participate in Diversity & Equity monthly trainings and related assignments/tasks.
- Lead and/or support programmatic and organization-wide justice, equity, diversity, and inclusion work.
- Help develop program proposals and/or recommendations on how EMSWCD programs can better reach and serve our diverse communities.

Other Responsibilities:

- Prepare and execute a work plan that meets program objectives. This includes the ability to strategically set priorities, goals, and timetables.
- Proficient in standard office procedures, software, and communications technology; able to use Microsoft Office, Google-Suite, and standard communications platforms such as WordPress, Mailchimp, Survey Monkey effectively and efficiently.
- Represent EMSWCD in a positive and professional manner to constituents, clients, public officials, community groups, businesses and other partners.
- Use discretion in work activities; ensure confidential information is managed appropriately.
- Comply with EMSWCD policy, state, federal and local requirements and in accordance with established procedures.
- Use discretion in all work activities, ensuring that confidential information is managed appropriately.
- Other duties as assigned.

Working Conditions/Physical Requirements: The following work conditions/physical requirements are required of the person in this position, with or without reasonable accommodation.

This position is required to travel, participate in conferences, give presentations internally and externally, and may work evenings and weekends to meet project deadlines, attend events, and complete position responsibilities.

Access to reliable transportation is required.



East Multnomah Soil & Water Conservation District

Employee Handbook

EMSWCD Employee Handbook – Approved by EMSWCD Board on 07/06/2022

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Introduction

About This Handbook

This handbook is intended as a general guide to East Multnomah Soil & Water Conservation District (hereafter referred to as “EMSWCD” or “the District”) policies and procedures and is designed to answer questions you may have. If you do not understand a policy, please contact the Executive Director for clarification. This handbook is not a contract of employment, nor is it intended to create a contract of employment. Only the Executive Director has the authority to enter into a contract of employment on the District’s behalf. EMSWCD reserves the right to interpret, modify, rescind, amend, or supplement any or all benefits, policies and procedures outlined in the handbook at any time, with or without notice, as appropriate.

Our Mission

We help people care for land and water.

Our Vision

Our lands and waters are healthy and sustain farms, forests, wildlife, and communities.

EMSWCD Equity Statement

At EMSWCD we understand that conservation and social justice are interconnected, and that we have much to learn about the history and implications of this relationship. We cannot authentically and effectively advance our mission of helping people care for land and water without also caring for people. Everyone deserves a healthy environment and should have a voice in shaping what that means for their community. At EMSWCD, we know it is our responsibility to make the organization and our work more equitable. By investing in efforts that foster diversity, equity, inclusion, and justice, we endeavor to create more effective and enduring conservation benefits for all.

Public Servants

As government employees, EMSWCD employees have certain responsibilities that private sector employees do not have and are subject to additional policies and restrictions. Philosophically, the basis for these additional responsibilities is that EMSWCD employees are here to do the public’s work on behalf of the public. EMSWCD employees have a responsibility to make a good faith effort to be fair, transparent, and unbiased in all workplace activities. The policies describe the specific expectations for personal conduct while working for EMSWCD.

General Expectations

EMSWCD expects all employees to know and comply with laws and policies relevant to their work. Employees are expected to perform their work in a manner that supports EMSWCD’s mission and to comply with appropriate supervision and direction. Employees are expected to resolve conflicts in a professional and constructive manner, employing the Agreements (listed in the Appendix section of this Handbook) that guide our work with each other and our constituents.

When performing EMSWCD work, all employees are expected to communicate and behave in a way that reflects well on EMSWCD.

Teamwork

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

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Start of Employment

Work Location

Unless otherwise specified in the job offer, assignment, or job description, EMSWCD employees' primary work location will be at the central office located at 5211 N. Williams Ave., Portland, OR 97217. Some staff, however, may work primarily at alternate locations, but this will be formally determined when the employee begins employment or when expectations change during employment. Requests to work from home or another location must be approved by the Executive Director and must not negatively impact on the effectiveness of the employee. Approved long-term alternate work arrangements that are granted will be monitored by the employee's supervisor to ensure that they continue to meet EMSWCD's needs.

New Employee Orientation

New employees will be provided an orientation to EMSWCD within the first week of employment. At the orientation, new employees will receive information about general policies, procedures, benefits, expectations, job duties, and basic information on pay and leave. Orientation will include an introduction to EMSWCD and the many programs it runs. New employee orientation helps ensure positive integration into EMSWCD's operations and helps new employees start a productive and satisfying employment relationship.

Job Descriptions

At the start of employment, employees will receive a copy of their job description that includes information about the core responsibilities, competencies and tasks that are expected of them, whom they report to, and other relevant information. The job description is subject to change at the discretion of EMSWCD as needs require it. Generally, the job description should be reviewed annually in coordination with the position's supervisor (usually during the annual performance evaluation), and more often if duties of the position change substantially so that it may be updated accordingly.

Work Plans

Each employee develops an annual work plan in collaboration with their supervisor. The structure of the work plan is to be co-created by the supervisor and the staff member. As soon as possible upon hire, employees and their supervisors should develop a clear and detailed work plan so that there are mutually agreed upon expectations for performance. Work plans should be established based on the fiscal year. Throughout each fiscal year as circumstances change and new organizational priorities arise, work plans may be modified.

Personnel Records

A confidential personnel file shall be maintained for each employee of EMSWCD. These records will be secured in a locked file cabinet in a secure location at EMSWCD main office and accessible by only those with legitimate needs for access.

The Chief of Finance and Operations, Operations Administrative Assistant, and the Executive Director have access to the personnel files. An employee's access to their personnel file will be in the presence of the employee's supervisor, Chief of Finance and Operations, or the Executive Director; any changes will be made only with the supervisor's or Executive Director's approval. An employee may request a copy of their personnel file, which will be provided as required by Oregon law.

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Employment Policies & Procedures

At-Will

All employment at EMSWCD is “at-will” and may be terminated by either the employee or by EMSWCD at any time for any lawful reason, with or without cause, and with or without prior notice or warning except for any notice requirements imposed by contract or applicable law, as provided by state and federal law. None of the provisions of this handbook alter, modify, or amend the “at-will” nature of employment. Only EMSWCD can alter this “at-will” employment policy for any employee, and such modification is valid only if in writing and signed by EMSWCD’s Executive Director, or Board signatory if necessary.

Employees wishing to resign are asked to provide at least two weeks’ written notice as a matter of professional courtesy and to preserve potential eligibility for rehire. Such notice should be delivered to the Executive Director.

Equal Employment Statement

EMSWCD is an equal employment opportunity employer. We comply with all applicable local, state, and federal laws in providing our employees and applicants with equal employment opportunities. Our decisions and criteria governing the employment relationship with all employees are non-discriminatory and are based on job requirements and an individual’s skills and experience without regard to race (including traits historically associated with race, including, but not limited to hair texture and protected hairstyles such as afros, braids, locks, and twists), color, religion, national origin, sex, marital status, pregnancy or childbirth, sexual orientation, gender identity, gender expression, veteran status, disability, citizenship or immigration status (subject to work authorization and other legal requirements) or any other status protected by local, state, or federal law. EMSWCD complies with all applicable local, state, and federal laws pertaining to employment, hiring, promotion, discipline, or termination of employees.

This statement reaffirms our dedication to the principles of equal employment opportunity and our expectation that all employees will lend their full support to furthering EMSWCD’s success through implementation of those principles.

Anti-Harassment & Anti-Discrimination Policy

EMSWCD prohibits unlawful discrimination and harassment. This policy defines these terms and provides a complaint procedure for employees who believe they have been the victims of prohibited conduct. This policy applies to all matters related to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

Discrimination and Workplace Harassment

It is EMSWCD’s policy to provide a work environment free from unlawful discrimination or harassment on the basis of age, race (including traits historically associated with race, including, but not limited to hair texture and protected hairstyles such as afros, braids, locks, and twists), religion, sex, national origin, marital status, sexual orientation, gender identity, gender expression, veteran status, disability, citizenship or immigration status (subject to work authorization and other legal requirements) or any other status protected by local, state, or federal law.

It is our policy that all employees, constituents, clients, public officials, members of the public, business partners, contractors, and visitors to EMSWCD are entitled to a respectful and productive work environment free from behavior, action, or language that constitutes workplace harassment or discrimination. The “workplace” includes when employees are on EMSWCD premises, at EMSWCD-sponsored off-site events, traveling on behalf of EMSWCD, or conducting business of EMSWCD, regardless of location.

The policy prohibits any conduct at work that a reasonable person in the individual’s circumstances would consider unwelcome, intimidating, hostile, threatening, violent, abusive, or offensive. It also prohibits employment actions, including hiring, promotion, termination, and compensation decisions, to be taken based on a protected characteristic. This policy also prohibits any form of retaliatory action toward an employee for filing a complaint of discrimination or harassment, or for participation in an investigation of a complaint.

Workplace harassment can be based on national origin, age, sex, race, disability, religion, sexual orientation, gender identity, or gender expression. It may also encompass other forms of unwelcome, hostile, intimidating, threatening, humiliating, or violent behavior that is not necessarily illegal, but still prohibited by this policy.

Sexual harassment is a form of workplace harassment and includes, but is not limited to, the following types of conduct:

- Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when such conduct is directed toward an individual because of that individual's sex and submission to such conduct is made either explicitly or implicitly a term or condition of employment; or submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual.
- Unwelcome verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating or offensive working environment.

Sexual Assault

Unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

Prohibited Conduct

This policy prohibits conduct based on an individual’s protected class status. Although by no means all-inclusive, the following examples represent prohibited behavior:

- Physical harassment, including but not limited to unwelcome physical contact such as touching, impeding or blocking movement, or any physical interference with work;
- Verbal harassment, including but not limited to disparaging or disrespectful comments, jokes, slurs, innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and derogatory insults;
- Nonverbal harassment, including but not limited to suggestive or insulting sounds, obscene gestures, leering or whistling;

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- Visual harassment, including but not limited to displays of explicit or offensive calendars, circulation of derogatory content, posters, pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person; or
- Sexual harassment, as described above, including but not limited to unwelcome sexual advances, requests for favors in exchange for conduct of a sexual nature, submission to unwelcome conduct of a sexual nature in exchange for a term of employment, or other conduct of a sexual nature.

Penalties

We will not tolerate discriminatory conduct, harassment, or sexual assault. Any individual found to have engaged in such conduct will face disciplinary action up to, and including, dismissal. EMSWCD may also subject managers and supervisors who fail to report known harassment – or fail to take prompt, appropriate corrective action – to disciplinary action, including potential dismissal.

Retaliation Protections

EMSWCD prohibits retaliation against any employee for filing a complaint regarding conduct in violation of this policy. EMSWCD will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including dismissal.

Reporting Procedure

Any employee aware of or experiencing discrimination, harassment or sexual assault in the workplace should report that information immediately to a EMSWCD designee. Specifically, an employee may make the report verbally or in writing to their direct supervisor, or any member of EMSWCD management. As an alternative, an employee may report the harassment to EMSWCD's Executive Director. Employees may report to any of the persons listed above, regardless of any particular chain of command. If there is not a sitting Executive Director in place at the District, or if the complaint is against the Executive Director, the employee may report the complaint to a member of EMSWCD Board of Directors. All employees are encouraged to document any incidents involving discrimination, harassment, and sexual assault as soon as possible. Upon receiving an allegation of harassment, discrimination, or retaliation, EMSWCD will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and EMSWCD will reach reasonable conclusions based on the evidence collected. The confidentiality and privacy of employees will be respected during the investigation to the extent allowed by law. Employees should understand that absolute confidentiality is not possible in all circumstances.

Nothing in this policy precludes any person from filing a formal grievance with the Bureau of Labor and Industries' Civil Rights Division or the Equal Employment Opportunity Commission. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence **no later than five years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

Nondisclosure or Non disparagement Agreements

Under this policy, a nondisclosure agreement is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, or sexual assault.

A Non disparagement agreement is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the business.

A no-rehire provision is an agreement that prohibits an employee from seeking reemployment with EMSWCD and allows an organization to not rehire that individual in the future.

EMSWCD will not require an employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a nondisclosure, Non disparagement, or no-rehire provision and will have at least seven days to revoke any such agreement.

Time Limitations

Nothing in this policy precludes any person from filing a formal grievance with the Bureau of Labor and Industries' Civil Rights Division or the Equal Employment Opportunity Commission. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence **no later than five years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

Workplace Bullying

Bullying and other similar disruptive behavior is prohibited by EMSWCD in or related to the EMSWCD workplace.

Bullying includes repeated or one-time inappropriate behavior, either direct or indirect, whether verbal, non-verbal, or physical, conducted by one or more person against another or others, at the place of work and/or in the course of employment. Bullying may be intentional or unintentional. Verbal bullying can include, but is not limited to: slandering, ridiculing, or maligning a person; name calling that is hurtful, insulting, or humiliating; or abusive and offensive remarks or jokes. Other examples of emotional bullying include threatening gestures or glances, which can convey the same message, or excluding someone socially at work.

Physical bullying can include, but is not limited to touching, pushing, shoving, or making a threat of physical assault, as well as damage to a person's work area, personal possessions, or property. Additional examples of bullying include:

- Making false, defamatory, or discriminatory comments on social media platforms, texting or Teams chat, etc., both on personal or district platforms and devices. Criticism on matters unrelated or minimally related to the person's job performance or description;

- Spreading rumors and gossip regarding individuals;
- Interfering with the ability of someone to do their job duties, or assigning menial tasks not central to the job; and
- Knowingly taking credit for another person's ideas.

Bullying, whether exhibited between co-workers, management and staff, board members, vendors/customers or other outside parties, or members of the public, violates EMSWCD's policy. This policy also applies to off-site behavior exhibited by employees that negatively impacts working relationships.

EMSWCD's goal is to create and maintain a worker friendly environment. EMSWCD will take the actions necessary to ensure that employees are treated with respect, civility and professionalism

Grievance Policy

The purpose of EMSWCD's Grievance Policy is to provide employees with a fair and accessible process to address internal grievances. All employees are encouraged to express their job-related concerns through professional discussion with co-workers, supervisors and managers.

An employee who has a complaint about the workplace or a problem with another employee is encouraged to first attempt to resolve the issue informally through discussions with their supervisor and/or the other employee. If the matter is not resolved through informal discussions, the aggrieved employee may elevate the concern, as set forth below:

1. The employee is encouraged to promptly seek the assistance of their direct supervisor. The supervisor will work with the employee to find an acceptable solution by informal means.
2. When a complaint cannot be resolved informally, an employee can submit a written appeal to the Executive Director, who shall review the grievance. **The Executive Director will make a determination on how best to resolve the concern** and will respond within a reasonable amount of time to the employee's complaint, typically within five days of receiving the written appeal. The Executive Director decision will be final, unless conditions exist that warrant a complaint against the Executive Director. Specific exceptions are outlined below*
3. If an employee has a complaint about the Executive Director, the employee should submit a written complaint to the Chair of the Board of Directors. The Chair will consult with legal counsel and inform the full Board of the complaint. The Board Chair will work with legal counsel in responding to the complaint, which may include an investigation if appropriate and/or an effort to resolve the complaint informally. If the complaint cannot be resolved informally, the Board will issue a final determination within a reasonable time. Decisions issued by the Board of Directors are final.

Retaliation against any employee for making a good faith utilization of this Grievance procedure is prohibited. The confidentiality of the employee will be respected during the grievance process, but employees should understand that absolute confidentiality is not possible in all circumstances, and that certain grievance details may be shared with relevant parties or other individuals deemed appropriate by the Executive Director and/or the Board of Directors.

*Employees are entitled to a workplace free of Harassment and/or Discrimination. Nothing in this Grievance Policy is intended to limit or chill an employee's right to make a good faith complaint of Harassment (including Sexual Harassment), Discrimination or activities outlined in Whistleblower protections. Please see the appendix for contact information regarding state and federal employment protection resources. Complaints of Harassment or Discrimination may be presented to any member of management or to any member of the Board of Directors in accordance with the Anti-Harassment & Anti-Discrimination policy outlined in this Employee Handbook. Employees may make complaints of workplace Harassment or Discrimination either verbally or in writing to any of the above-mentioned parties and are not required to report or discuss the matter with any member of management engaging in improper conduct. Please see the Anti-Harassment & Anti-Discrimination policy for more information about employee rights and responsibilities regarding such complaints.

Additional Employee Support Services

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The organization provides Counseling and Support Services and/or Employee Assistance Program (EAP) available through EMSWCD health insurance coverage.

Access to legal resources, counseling or other support services may be made available to employees on a case-by-case basis with the approval of the Executive Director or the Board of Directors.

Workplace Accommodations

EMSWCD complies with all applicable federal and state laws providing for nondiscrimination in employment, and this includes providing reasonable accommodations to qualified individuals in accordance with these laws, except where such an accommodation is unreasonable or would create an undue hardship.

Types of circumstances which may trigger a request for accommodation include:

- Employees who have a physical, mental or sensory disability that affects their ability to perform any of the functions of their job;
- Employees with limitations related to pregnancy, childbirth, or a related medical condition, such as lactation, that may interfere with any job-related tasks or requirements; and
- Where a work-related requirement may interfere with a religious observance or an employee's sincerely held religious belief.

Employees who wish to request an accommodation for any of these reasons should contact the Executive Director. As permitted by law and depending on the nature of the accommodation requested, EMSWCD may request medical opinions to verify the need for such accommodations, identify potential alternative accommodations, or to determine whether continued work would pose a safety or health risk where appropriate. We will treat such information as confidential, except to the extent that others need to know to evaluate the request or to implement any approved accommodations.

EMSWCD will make reasonable accommodations for known physical or mental disabilities of an applicant or employee as well as known limitations related to pregnancy, childbirth, or a related

medical condition, such as lactation, unless the accommodation would cause an undue hardship. Among other possibilities, reasonable accommodations could include:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor; or
- Modification of work schedules or job assignments.

EMSWCD will make decisions about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. While we encourage employees to suggest the specific accommodations that they believe may be ideal, be aware that EMSWCD is not required to make the specific accommodation requested and may provide an alternative effective and reasonable accommodation, to the extent it does not pose an undue hardship to the agency.

Employees and job applicants have a right to be free from unlawful discrimination and retaliation. For this reason, EMSWCD **will not** condone or allow any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation under this policy in good faith. This includes:

- Denial of employment opportunities on the basis of a need for reasonable accommodation.
- Taking an adverse employment action, discriminate or retaliate because the applicant or employee has inquired about, requested or used a reasonable accommodation.
- Requiring an applicant or an employee to accept an accommodation that is unnecessary.
- Requiring an employee to take family leave or any other leave, if the employer can make reasonable accommodation instead.

To request accommodation or to discuss concerns or questions about this policy, or to report potential retaliation, contact the Executive Director.

Standards of Conduct & Disciplinary Action

Employees at EMSWCD are expected to comply with all EMSWCD rules and policies. Any conduct which, in the determination of EMSWCD, is detrimental to the interests of EMSWCD, is grounds for disciplinary action, up to and including termination. Disciplinary action may include, but is not limited to, verbal warnings, written warnings, performance improvement plans, suspension, or termination of employment. The nature of the disciplinary action depends on the circumstances of the incident and the District retains the sole right to determine the appropriate disciplinary action warranted.

The following are examples of conduct that violate EMSWCD's standards of conduct for employees. This is not a complete list of conduct that may be considered a violation of EMSWCD's policies:

- Violation of confidentiality & non-disclosure policy;
- Violation of conflict-of-interest policy;
- Dishonesty or theft;
- Unauthorized or inappropriate use, removal or destruction of EMSWCD property, stakeholder property, business partner property, or the property of other employees;

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- Excessive tardiness, absences, or failing to follow call-in expectations;
- Threatening or abusive language or actions;
- Discrimination, harassment, or retaliation;
- Misrepresenting EMSWCD's established agenda to constituents, clients, public officials, community groups, business partners, or the general public;
- Falsification of EMSWCD records or documents;
- Inappropriate or unprofessional behavior towards any employee of EMSWCD, constituents, clients, public officials, community groups, business partners, or the general public;
- Inability or unwillingness to work professionally and cooperatively with other employees, constituents, clients, public officials, community groups, business partners, or the general public;
- Failure to follow instructions or EMSWCD policies;
- Unsafe work activities or violation of any safety rule.

If you have any questions concerning rules and policies, please contact EMSWCD's Executive Director.

Whistleblower Protections

A whistleblower as defined by this policy is an employee of EMSWCD who reports an activity that they consider to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

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.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact their immediate supervisor or the Executive Director. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. As much as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The District 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, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the Executive Director or the Chair of the Board of Directors immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities must be promptly submitted to the Executive Director who is responsible for investigating and coordinating corrective action. If the illegal or dishonest activity involves the Executive Director, employees may contact the Chair of the Board of Directors to make a complaint. Employees with any questions regarding this policy should contact the Executive Director.

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Anti-Violence Policy

We do not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violence of any sort. Violation of this policy may be grounds for immediate disciplinary action, up to and including termination.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person.
- Making threatening remarks.
- Aggressive or hostile behavior which creates a reasonable fear of injury to another person.
- Intentionally damaging EMSWCD property, client, community group or business partner property, or property of another employee.
- Possession of a firearm anywhere on EMSWCD properties.

Employees are not expected to work in a hostile or threatening environment and should report any threatening or dangerous situation to the Executive Director or the Director of Operations immediately. If necessary, employees should contact 911 or emergency services.

Possession of Firearms and Other Weapons

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

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

It is an express exception to this policy that employees may carry chemical mace or pepper spray for personal protection during work hours and on EMSWCD property; provided they must ensure that is properly secured, stored out of view of others, and it is not used except in a legitimate emergency situation. The Executive Director may take appropriate disciplinary action for any violation of this policy or abuse of this limited exception, including but not limiting to revoking an employee's ability to carry chemical mace and/or pepper spray. Any employee who violates this policy will be deemed to be acting outside the scope of their duties, thereby waiving EMSWCD's obligation to indemnify the employee for damages caused to or by the employee as a result.

Confidentiality & Non-Disclosure

Employees are not to disclose, except as part of employment responsibilities, any confidential information pertaining to the business of EMSWCD or its constituents, clients, or business partners. This includes any proprietary information including EMSWCD's financial information, partnership details, information pertaining to EMSWCD constituents, clients, or business partners, intellectual property, organizational development plans, unpublished Board agendas, or any information regarding EMSWCD's projects or programs not available to the public.

Employees are to keep District, constituent, client, and business partner information confidential during and after employment with EMSWCD. Employees must not use or allow the use of official information gained through EMSWCD employment, which has not been made available to the general public, for furthering a private interest. This would include using confidential information gained while employed with EMSWCD to solicit current stakeholders after leaving employment with EMSWCD. Violation of this policy may result in disciplinary action, up to and including immediate termination.

Conflict of Interest

Employees are to inform EMSWCD's Executive Director any outside work, employment, or association which is in conflict with EMSWCD's interests or could be perceived to be in conflict with EMSWCD's activities. Any outside work, employment, advisory board position, or association with a business, entity, or person(s) which is in conflict with the interests of EMSWCD or could be perceived to be in conflict with EMSWCD's activities, must be expressly pre-approved by the Executive Director. If the Executive Director has a perceived or actual conflict of interest, it must be expressly pre-approved with the Board of Directors.

Employees may hold other outside jobs as long as they meet the performance standards of their job with EMSWCD. Employees will be held to the same performance standards and scheduling demands, regardless of any existing outside work requirements. It is expected that EMSWCD's employees are available for all scheduled work activities and other workplace commitments irrespective of outside work commitments. EMSWCD may not be able to accommodate schedule changes due to outside work.

During employment employees are not to solicit or encourage any stakeholder, public official, business partner, or member of the general public to reduce or terminate their services or business association with EMSWCD.

Violation of this policy may result in disciplinary action, up to and including termination.

Ethics Law and Political Campaigning

All public employees in Oregon, including EMSWCD employees, are governed by the Oregon Government Ethics Commission and the laws contained in Oregon Revised Statutes (ORS) Chapter 244 and Oregon Administrative Rules (OAR) Chapter 199. Each employee is personally responsible for ensuring that they comply with the Oregon Ethics law. The cornerstone of the Oregon Government Ethics law prohibits employees from using or attempting to use their official positions or offices to obtain a financial benefit for themselves, relatives, or businesses with which they are associated if that financial benefit or opportunity for financial gain would not otherwise be available but for the position or office held. The definition of "relative" is very broad under the law. Oregon Government Ethics law also limits and restricts public employees and their relatives as to gifts they may solicit or accept. In general, public employees cannot accept gifts valued at

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\$50 or more in any one year from an individual or entity with an interest in the employee's public employment. Under specific circumstances, employees may accept certain gifts from individuals related to their employment, but those situations are very limited. Public employees also have obligations to disclose a conflict of interest. A conflict of interest may exist when an employee participates in an action that could or would affect the financial interest of the employee, a relative, or businesses with which they are associated. Public employees are also restricted from participating in personnel actions taken by the district that would impact the paid employment of a relative or member of the employee's household, typically referred to as nepotism.

Ethics laws are complex, and each employee is individually responsible for complying with the law. Employees are encouraged to review the Oregon Government Ethic Commissions [Guide for Public Officials](#) (please note that the term "public official" refers to all public employees). If an employee has any questions about compliance with ethics laws, the employee can also consult with the Executive Director.

It is also important to be aware that public employees may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee, or ballot measures. Additionally, no person (including elected officials) may require a public employee to do so. ORS 260.4332. Employees are encouraged to review the Oregon Secretary of State's [Quick Reference Guide](#) and can also reference the complete manual on [Restrictions on Political Campaigning by Public Employees](#). If an employee has any questions about compliance with the political campaigning restrictions, the employee can also consult with the Executive Director.

Green Initiatives

EMSWCD is committed to being environmentally aware, actively support programs that reduce our organization's environmental impact and continually improve our environmental performance as an integral part of our business strategy and operating procedures.

We seek to understand the effects our business activities have on the environment by supporting initiatives such as:

- Reduction of material, water, and energy consumption
- Waste minimization
- Recycling of all resources

We will encourage our clients, suppliers, and other stakeholders to do the same.

We recognize that we have a responsibility to the environment to meet or exceed legislative and regulatory requirements.

We will ensure that this policy and all procedures relating to it are understood, implemented, and maintained by all EMSWCD employees.

Workplace Communications

All employees are required to ensure that all communication with co-workers of all levels, constituents, clients, public officials, community groups, business partners, and members of the general public is respectful and professional at all times. This policy extends to both verbal and written communications.

Communications Systems

EMSWCD treats all information transmitted through or stored in its computer systems, servers, or other communications systems, including e-mails and internet transactions, as the District's business information and as the sole property of EMSWCD. All email accounts maintained on EMSWCD's email systems are property of the District and may not be used for personal purposes, or for commercial purposes unrelated to EMSWCD. This policy extends to all use of EMSWCD email addresses, web domain and cloud-based accounts.

EMSWCD reserves the right to access, review, and copy any information transmitted or stored in its computer and communications systems and to disclose it to any party EMSWCD deems appropriate. Any individual who is given access to the system is hereby given notice that EMSWCD will exercise this right periodically, without prior notice and without the prior consent of the employee. No individual should have any expectation of privacy in any communication over this system or with respect to any information sent through or stored in the computer network or other communications systems.

Limited and reasonable personal use of the communications systems is allowed. However, use of the communications systems for personal reasons will be treated no differently from any other files. **An employee should not use the communications systems to send, receive, or store any information that they wish to be kept private.** Determination of excessive or inappropriate personal use of communications systems is at the discretion of EMSWCD's Executive Director.

At no time are employees to use District equipment or systems for commercial purposes unrelated to business of EMSWCD, or to transmit offensive, harassing, or defamatory messages.

EMSWCD requires all employees to comply with applicable software license agreements or copyrights, and employees are prohibited from copying or installing licensed software for their own use. Copying or installing such software for use on other District machines or on personal machines, without appropriate authorization, is prohibited. Unauthorized installation of personal software on EMSWCD equipment is prohibited. This includes, but is not limited to, games, screensavers, "shareware" and communications software. In addition, employees are not to disable or delete any District software, without appropriate permission.

Social Media Policy

EMSWCD encourages and respects the right of employees to use blogs and social networking sites as a medium of self-expression and public conversation outside of work time. However, it is the right and duty of EMSWCD to protect itself from unauthorized disclosure of information. Employees are expected to follow these guidelines and policies to provide a clear line between you as the individual and you as the employee.

Unless specifically instructed, employees are not authorized to speak on behalf of EMSWCD. Employees may not publicly discuss confidential projects, agendas, development plans, sponsorships, or planned business activities outside of EMSWCD's authorized communications, unless they have received express permission from the Executive Director.

As expressed throughout this Handbook, employees are strictly forbidden from engaging in harassment, discrimination, and retaliation. These prohibitions apply to social media, and employees cannot use blogs or social networking sites to harass, threaten, discriminate, retaliate,

or disparage EMSWCD employees, constituents, clients, public officials, community groups, business partners, or anyone associated with or doing business with EMSWCD.

Office Equipment

All EMSWCD office equipment including, but not limited to, computers, phones, fax machines, printers, photocopiers, and other District office machines and equipment are to be used primarily for EMSWCD business. Employees may make limited and reasonable personal use of District office equipment, provided it does not impose any added costs. Determination of excessive or inappropriate personal use of office equipment is at the discretion of the Executive Director. The Executive Director may require an employee to cease using EMSWCD office equipment for personal use or reimburse the District for expenses incurred by excessive personal use of office equipment.

Issued Equipment

In the course of employment, employees may be issued equipment by EMSWCD. All issued equipment is solely EMSWCD's property. This equipment may include laptop computers, tablet computers, other office equipment, and District credit cards. Employees are permitted to make limited and reasonable personal use of EMSWCD-issued equipment, with the exception of District credit cards. Employees are not permitted to use EMSWCD credit cards for personal use at any time.

Employees may be also issued keys and/or alarm codes to EMSWCD facilities as determined by the District. Issued keys may not be copied, loaned, or given to others, without express prior permission from the Executive Director.

Employees are responsible for ensuring that all issued equipment is kept safe and secure from damage and/or theft. The Communications Systems policies in this Handbook applies to all issued computer and communications equipment. Employees may be required to reimburse EMSWCD for any charges incurred by inappropriate or unauthorized use of issued equipment, or for loss or damage to issued equipment.

All equipment issued by EMSWCD must be returned as soon as the need for such equipment ceases, at the Executive Director's request, or at time of termination of employment for any reason. Any lost or damaged issued equipment must be reported immediately to the Executive Director.

Safety & Security

All employees are expected to perform all work in a safe and cautious manner and to heed safety rules. All equipment must be used safely and professionally, and in the manner for which it is intended. When visiting satellite EMSWCD locations, or constituent, client, or business partner worksites, employees are required to follow all safety and security rules of that location. Current EMSWCD safety and security protocols may be found [here](#).

Any employee aware of an unsafe work condition or security issue is required to notify any member of the Safety Committee immediately. Any work-related injury or illness, no matter how minor, must be reported to the Chief of Operations & Finance.

Searches & Monitoring

Employees have no right to privacy relating to phone/tablet/computer usage or materials and documents, including electronic documents (i.e., emails), that are created or stored on EMSWCD phones/tablets/computers or on EMSWCD premises. Any employee phone/tablet/computer, desk drawers, phone messages, and file cabinets may be accessed at any time by EMSWCD management without notice to employees. EMSWCD may monitor employees' use of the Internet, EMSWCD phones, and work vehicles. **Note that if employees use personal phones for EMSWCD business, those phone records may be discoverable.**

EMSWCD reserves the right to conduct and monitor video surveillance of District properties, both inside and out, in accordance with applicable laws. Such surveillance may be used in determining whether disciplinary action is warranted, or the nature of any disciplinary action, and any video surveillance revealing illegal activities may be turned over to law enforcement.

Driving on EMSWCD Business

Employees driving on EMSWCD business (in their own vehicles or in EMSWCD ~~or State Motor Pool~~ vehicles) are required to obey all traffic laws and operate vehicles in a safe and cautious manner. Employees are responsible for payment of any tickets issued for moving violations, careless or negligent driving, or parking violations incurred while driving on EMSWCD business.

Employees in certain positions may be required to drive EMSWCD ~~or State Motor Pool~~ vehicles. Only employees authorized by EMSWCD are allowed to drive EMSWCD ~~or State Motor Pool~~ vehicles. A current and valid driver's license as well as a driving record that meets District insurance standards is required for authorization. EMSWCD reserves the right to request and review a Driver's Motor Vehicle Record (MVR) periodically, to ensure driving record meets insurance standards. Employees in authorized driving positions must promptly notify the Executive Director if their driver's license is revoked, limited, or not renewed, or if there are any incidents, violations, or citations that may compromise the employee's ability to meet District insurance standards.

Employees driving EMSWCD ~~or State Motor Pool~~ vehicles are required to keep the vehicles reasonably neat and clean at all times. Issued vehicles must be kept locked at all times when not in use. Work related materials (papers, records, files, etc.) and EMSWCD issued tools and equipment may never be left in an unlocked and unattended vehicle. Smoking is not allowed in issued vehicles at any time. Employees may not use cell phones or other communication devices while operating issued vehicles, unless an appropriate "hands-free" device is utilized. Any issues involving issued vehicle maintenance or any accidents involving issued vehicles must be reported to the Facilities & Fleet Manager immediately. Non-employees are not allowed as drivers or passengers in issued vehicles at any time. At no time are EMSWCD ~~or State Motor Pool~~ vehicles to be used for personal use. Determination of inappropriate use is at the discretion of the Executive Director.

~~EMSWCD uses vehicles from the State Motor Pool. These vehicles are to be used only for official EMSWCD business, according to:~~

- ~~• Oregon Revised Statutes ("ORS") 283.305 (<https://www.oregonlaws.org/ors/283.305>)~~
- ~~• Oregon Administrative Rules for State Vehicle Use and Access (http://arcweb.sos.state.or.us/rules/OARS_100/OAR_125/125_155.html), and~~

~~• Oregon Department of Administrative Services
Policy (<http://www.oregon.gov/DAS/SSD/FLEET/docs/swpol070106.pdf>)~~

An "Authorized Driver " is an employee who has a valid driver license and an acceptable driving record. Per the Administrative Rules, EMSWCD may verify drivers' qualifications at any reasonable schedule or time and by any reasonable means.

Drug & Alcohol Policy

Employees may not be impaired by or have their work performance affected by drugs, controlled substances (including marijuana), or alcohol during work activities. Where reasonable suspicion exists of drug or alcohol impairment during work activities, the employee will immediately be escorted from the work premises and may be subject to disciplinary action up to and including suspension or termination. Reasonable suspicion is defined as specific observations concerning such circumstances as work performance, appearance (including, for example, noticeable odor of alcohol), behavior, or speech of the employee, which may be caused by impairment of drugs, controlled substances, or alcohol.

If an employee must take prescription or over-the-counter drugs, they must not affect the employee's ability to perform work. If an employee is taking medication that may affect their ability to perform their jobs, or which may affect their ability to perform their job in a safe and responsible manner, they should notify EMSWCD's Executive Director prior to work activities.

Employees of legal age may consume moderate amounts of alcohol during EMSWCD's authorized functions. Employees who use alcohol during such functions must ensure that they maintain professional and responsible workplace behaviors.

Smoking

EMSWCD endeavors to provide a healthy and smoke-free work environment in accordance with the Oregon Indoor Clean Air Act. The Oregon Indoor Clean Air Act (ICAA), also known as the Smoke-Free Workplace Law, prohibits smoking in the workplace and in the vicinity of all entrances, exits, accessibility ramps that lead to and from an entrance or exit, windows, and air-intake vents.

Smoking is not allowed anywhere on District property. Employees who smoke off-duty must take steps to eliminate lingering smoke odors on their person, especially before working in offices shared with co-workers, constituents, clients, public officials, community groups, business partners, or the general public.

This policy includes the use of chewing tobacco and of any "inhalant delivery systems." Inhalant delivery systems are devices that can be used to deliver nicotine, cannabinoids, and other substances, in the form of a vapor or aerosol. These include e-cigarettes, vape pens, and other similar devices.

Personal Appearance & Attire

All employees are expected to arrive to work clean and in attire suitable for their job activities and level of interaction with constituents, clients, public officials, community groups, business partners, or the general public. Generally, casual attire is appropriate for most work activities, but more professional attire may be called for when meeting with constituents, clients, public officials, community groups, business partners, or the general public. Employees are prohibited from wearing

attire or accessories with offensive or obscene logos or phrases, or other images or words that are a violation of the District's Harassment Policy or otherwise inappropriate for the workplace.

The District strives to provide a fragrance-free environment for our staff, clients, and constituents. Employees should refrain from using strongly scented body products, perfumes, or other fragrances when working in EMSWCD offices and facilities or when working in-person with others.

Questions regarding appropriate dress should be referred to your supervisor.

Appearance of Work Areas

EMSWCD offices and other facilities should be kept organized and clean. Each employee is responsible for maintaining their own work areas as well as cleaning up after their meetings in common areas and after their personal use of common areas such as the kitchen.

Remote Work Policy

EMSWCD may allow certain employees to work remotely for some or all work activities, with prior approval from the Executive Director. Determination of remote work approval is at the sole discretion of the Executive Director and may be revoked at any time.

When authorized to work remotely, employees are expected to be reachable by phone and electronically during designated remote work periods and must secure and maintain internet services for their remote work area adequate to support video conferencing applications. Work done at a remote location is considered EMSWCD's business and should be treated as such. That means all time must be properly reported, and all required meal and rest breaks taken.

Confidentiality and Safeguarding: Employee agrees to ensure the protection of all EMSWCD confidential and/or proprietary information accessible from the home office site.

Employee agrees to safeguard all records, documents, and correspondence either in paper or electronic form for return to EMSWCD once employment terminates for any reason. Employee acknowledges that electronic/computer files are considered Employer records and shall be protected as such. Employee agrees to surrender all EMSWCD-owned equipment and/or documents immediately upon the termination of employment for any reason, or sooner upon request from the District. Employee agrees to not duplicate EMSWCD-owned software. Employee also agrees to abide by the licensing regulations and restrictions for all software under license to the District.

Home Office, Equipment and Other Expenses: Incidental office supplies may be provided by the District at its discretion, but otherwise equipment, supplies, or other office related expenses will be the responsibility of Employee.

Employee shall be solely responsible for any home-related expenses associated with the home office such as construction, renovations, heating/air conditioning, lighting, and electricity.

Any equipment provided by employees will be at no cost to EMSWCD and employees are responsible for servicing and maintaining employee-provided equipment. EMSWCD shall not be liable for any damages to employees' property that may result from participation in remote work program.

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Commitment to Safe and Healthy Work Environment: Employee agrees to establish, maintain, and certify that the workplace is safe, free from hazard, and constitutes an appropriate work environment. Employee is responsible for any injuries sustained by visitors or third parties to the home office location. Employee agrees to notify EMSWCD immediately in the event of an accident or injury to herself, a visitor, or any third parties that occurs at the home office site.

Employer may be responsible for any work-related injuries under applicable Worker's Compensation laws, but such liability is limited to injuries resulting directly from Employee's work and only if the injury occurs in Employee's designated work area at the home office site. Any such claims will be reported and handled according to Employer's normal procedure for Worker's Compensation claims.

Employee Responsibility for Tax Implications: Employee acknowledges and agrees that any tax implications related to the home office location are the responsibility of Employee. Employee is encouraged to consult with a qualified tax professional to discuss any tax implications.

All employment standards outlined in this Handbook apply to work conducted in any work environment of EMSWCD, including a remote office environment. All employees must maintain expected performance levels, regardless of their physical work location. EMSWCD reserves the right to change work schedules at any time, revoke remote work authorization, or otherwise require employees to conduct any and all work from the District facilities.

Performance Evaluations

Performance evaluations are generally conducted after 6 months of employment with the District, and at least annually thereafter. In addition to formal performance evaluations, management will conduct check-in meetings with each employee at least monthly. The purpose of the evaluation and the check-in is to give employees honest feedback on their job performance so that they can better themselves and their opportunities at EMSWCD. The completion of a performance evaluation or check-in does not guarantee a wage increase. During evaluations and check-ins employees are encouraged to bring their own ideas as to how their job performance and EMSWCD's operations can be improved.

End of Employment

Resignations

Employees wishing to resign are asked to provide at least two weeks' written notice as a matter of professional courtesy and to preserve potential eligibility for rehire. Such notice should be delivered to the Executive Director. EMSWCD reserves the right to determine an earlier final day of employment if a resignation is received. As of the last day of employment unless sooner requested by EMSWCD, the employee must surrender all EMSWCD property and issued equipment.

Layoffs

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

Suspension and Termination

In accordance with EMSWCD's at-will status, employees may be terminated at EMSWCD's discretion with or without cause. If it becomes necessary, the Executive Director may suspend employees and remove them from the workplace (terminate computer, systems, and phone access, confiscate keys etc.). A final decision regarding termination will only be made by the Executive Director. Any employee may appeal a termination decision in accordance with the Grievance Policy.

Final Pay Rules

At time of termination of employment with EMSWCD, employees will receive their final paycheck with all wages due and owed in accordance with Oregon final pay rules.

- If the employee quits with less than 48 hours' notice (not including weekends and holidays) the final paycheck is due within five business days or on the next regular payday, whichever comes first.
- If the employee quits with at least 48 hours' notice, the final check is due on their last day of employment, unless that day is a weekend or a holiday. In that case, the final paycheck is due on the next business day.
- If the employee is let go or fired by EMSWCD, their final paycheck is due by the end of the next business day.
- If the employee and EMSWCD mutually agree to terminate the relationship, the final paycheck is due by the end of the following business day.

Please see the Chief of Finance & Operations if you have any questions regarding final pay rules.

Employment Classifications

Employment Classifications

All employees will be classified as the following at time of hire, and upon promotion or transfer to a new position at the District:

- Regular (no specific end date) or temporary (end date specified);
- Full-time (40 hours per week) or part-time (less than 40 hours per week);
- Exempt (salaried) versus non-exempt (hourly wage).

Explanation of these classifications are further defined in subsequent sections of this Handbook.

Regular versus Temporary

All employees will be classified as one of the following categories:

- Regular: Employees who are expected to work on a continuing basis with no explicit end point.
- Temporary: Employees hired for a defined and limited period of time due to special projects, abnormal workloads, or emergencies. End dates are normally identified at the beginning of the position.

Full-time versus Part-time

All employees will be categorized as one of the following categories:

- Full-time: Employees who are normally scheduled to work 40 hours or more per week. Full-time employees are normally eligible for all employer-paid benefits, per specific benefit eligibility criteria.
- Part-time: Employees who are normally scheduled to work less than 40 hours per week. Part-time employees who are normally scheduled to work at least 20 hours per week are eligible to receive some employer-paid benefits, per specific benefit eligibility criteria. Part-time employees normally scheduled to work less than 20 hours per week are not eligible for benefits, except those required by law.

Exempt versus Non-exempt

All employees will be classified as one of the following categories according to federal and state wage and hour laws, as defined below.

- Exempt: Employees who are exempt from the overtime pay requirements under federal and state laws. Exempt employees include supervisors, executives, professional staff, and others who are paid on a salary basis and whose duties and responsibilities allow them to be exempt under federal and state law.
- Non-exempt: Employees whose jobs call for overtime payment as appropriate under state and federal regulations. Employees in non-exempt positions are paid on an hourly basis and accrue compensatory time at a rate of 1.5 hours for each hour worked in excess of 40 hours worked in one work week.

Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. If employees are uncertain as to their exempt versus non-exempt status, they should inquire with their supervisor.

Introductory Period

All newly hired or promoted employees who are in the first six months of a position are considered to be in an "introductory period" of employment.

During this period, employees are considered to be in training and under observation and evaluation by their supervisor. Evaluation of employees' adjustment to work tasks, conduct and other work rules, attendance, and job responsibilities will be conducted during the introductory period. This period gives employees an opportunity to demonstrate satisfactory performance for positions and provides an opportunity to see if their abilities and the requirements of the position match. It is also a chance to see if EMSWCD meets employees' expectations as an employer.

Performance reviews may be completed throughout the introductory period at the discretion of the supervisor. If employees appear to be struggling, supervisors shall make early efforts to guide employees to success. If necessary, however, employees may be dismissed at any time during the introductory period, with or without cause, with the approval of the Executive Director. A final introductory period performance review will be conducted at the end of the six-month period.

If, at the end of the introductory period, the employee's skills border on satisfactory, but fall short, the introductory period may be extended if there is reason to believe that the employee's skills will improve within 30 days. The introductory period may be extended only by approval of the Executive Director, which will be conveyed in writing to the introductory employee.

Completion of the introductory period does not alter the at-will employment relationship. Employment may be terminated at will by EMSWCD or by the employee at any time during or after the introductory period, with or without reason, if either party regards it as necessary or appropriate.

Work Hours and Attendance

Work Week & Office Hours

EMSWCD's normal office hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. EMSWCD's official work week is 12 a.m. Saturday – 11:59 p.m. Friday.

All full-time employees are expected to work at least 40 hours per work week, unless they are on approved leave or vacation. Work hours for part-time staff will be determined by their supervisor.

Work Schedules, Attendance, and Punctuality

Employees and their supervisors must establish core work hours when employees will generally be expected to be at work. Core work hours should include all weekly hours for an employee (e.g., a full-time employee should account for 8 hours each day and 40 hours in a week).

Depending on the employee's performance, and role, employees may be able to establish (with supervisor approval) and work a 'flexible' work schedule, but this does not mean employees can work whenever they like. A flexible work schedule means that: 1) employees may work hours other than a typical 9 AM to 5 PM work schedule; 2) employees may work shifts that are more or less than the standard 8 hours per day; and 3) that work schedules might change from day-to-day, week-to-week, or month-to-month. However, an employee's flexible work schedule hours and any changes to it must be pre-approved by their supervisor. On a day-to-day basis if the set flexible work schedule itself is not being changed, but employees need to work outside of the agreed upon schedule (for example for evening or weekend meetings or to make reporting deadlines), employees should note the meetings or work periods on their Outlook calendars. Work schedule flexibility may be revoked by supervisors at any time if performance is lacking or objectives are not being met, or if program or District needs change. Consistent unplanned, unauthorized, and/or unreported absences or tardiness from core work hours may be grounds for disciplinary action, up to and including dismissal from employment.

Employees may be asked to work outside core work hours and normal work schedules from time to time, depending on position requirements and program needs. If possible, advance notice will be given to employees when this is required, although in some rare cases it may not be possible.

Absences, Tardiness & Call-in Expectations

Employees are expected to report to work on time and ready to work for all scheduled shifts and meetings with colleagues, constituents, clients, public officials, community groups, business partners, or the general public. Employees must provide appropriate advanced notice, whenever possible, if they expect to be late or absent from work.

Time off requests for vacation should be scheduled in writing to the employee's supervisor as far in advance as reasonably possible, preferably 10 days prior to proposed time off. Employees are asked to not schedule vacation or other non-emergent personal time off during major events or in conflict with critical District deadlines. Specific vacation requests may be denied due to EMSWCD and stakeholder needs. Please ensure you have received approval from your supervisor for a vacation request prior to making any non-refundable travel purchases.

EMSWCD understands that occasionally unforeseen obstacles will prevent employees from working or arriving to work when planned. However, it is important that supervisors be notified as soon as possible when employees will be absent or late to work.

When advanced notice is not possible, such as for unanticipated illness, employees are to contact their supervisor prior to the start of the scheduled work activity whenever feasible. Employees must likewise notify their supervisor promptly if they have an unanticipated need to leave work early.

When providing notification for an unexpected absence/tardiness, employees are expected to give the reason for the absence in general terms (for example, "I'm sick" or "dependent is sick") and estimated length of the absence.

Employees absent for three consecutive shifts without notification may be considered to have voluntarily resigned.

Failure to follow call-in expectations, or absences or tardiness in excess of available paid leave or protected leaves of absence may result in disciplinary action up to and including termination.

Pay Information

Compensation Structure

The District regularly reviews compensation tiers and classification structure for positions at EMSWCD. All positions are reviewed regularly by an external compensation specialist to ensure equitable compensation. Any new hire or position shift will receive a market-based analysis to help determine wages. Any staff member who is fluent in an additional language that is related and necessary for the position will receive a 3% increase in pay. Please see the Chief of Finance & Operations for current compensation and classification information.

Paydays

The EMSWCD pay period is the 24th of the month to the 23rd of the following month, first day of every calendar month to the last day of every calendar month. Payday will be the last day of each month if the employee selects an electronic direct deposit or by the fifth calendar day if hard copy check payment is selected. If the payday falls on a weekend or bank holiday, EMSWCD will generally process pay the day before the scheduled pay date. Payment may be made earlier if feasible but, barring circumstances beyond EMSWCD's control, will not be later.

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Direct Deposit is the encouraged and default method of payment. Employees can request a paper check. Please see EMSWCD's Chief of Finance & Operations with questions regarding the pay period, pay dates, and any other questions regarding your paycheck.

Payroll Deductions

State, Federal, FICA, Medicare, local taxes, and court ordered garnishments will be withheld from payroll checks or paid by EMSWCD as required by law. Other deductions for the employee's own benefit, such as insurance premium costs, will be deducted from paychecks upon written authorization from the employee.

Work Over 40 Hours per Week/ Overtime/Compensatory Time

All full-time employees are expected to work at least 40 hours per work week. On occasion, because of the nature of many conservation projects and programs, EMSWCD recognizes that employees may need to work more than eight hours in a given workday and/or more than 40 hours in a given work week. When possible, prior planning for an altered work schedule to maintain 40 hours per week is preferred, but there may be times when this is not feasible. In these circumstances, employees are highly encouraged to adjust work hours in the workdays remaining in the work week to keep the total number of hours worked in any specific work week to 40.

When this is not possible:

- Salaried/exempt employees may work more than 40 hours per work week without prior approval from their supervisor and are expected to do so as needed. Hours in excess of 40 per week may be recorded in a "Time Bank" (see details below).
- Hourly wage/non-exempt employees shall not work more than 40 hours per work week without prior approval of their supervisor. Hours in excess of 40 per week may be recorded as "Overtime/Compensatory Time" (see details below). Non-exempt employees will be compensated (in pay or compensatory time off) for any overtime worked even if authorization was not granted, but disciplinary action may be taken.

Management should be reviewing assigned staff hours to ensure a healthy work life balance.

Time Bank – Exempt Employees

Exempt employees are not eligible for overtime pay or compensatory time. Instead, they may accumulate up to 60 hours in a “time bank” (one hour for each regular hour worked over the standard 40-hour week) without prior approval of the supervisor. Employees will receive a monthly report indicating the amount of time they have in the time bank.

Eligibility

Fulltime exempt/salaried employees (regular or temporary status).

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 (except for 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 vacation leave if they want to take a day off. Taking 8 hours of paid vacation 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 paid vacation leave, to make 40 hours in the workweek.
- Paid wellness leave is the exception to this. If the above employee takes 8 hours of paid wellness leave during the above week, the total for the week would be 47 hours and the employee would accrue 7 hours of bank time.

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.

Overtime & Compensatory Time – Non-exempt Employees

Hourly wage/non-exempt employees are permitted to elect to accrue compensatory time in lieu of overtime pay as outlined below. In accordance with applicable law, overtime is calculated on a work week, not the pay period basis, and is paid at time-and-a-half or double time (where applicable) the employee’s regular rate of pay for any time worked over 40 hours per week. Alternatively, non-exempt employees may elect to receive compensatory time in lieu of paid overtime, which shall accrue at the same rate – i.e. one-and a-half hour of compensatory time for each hour of overtime.

Time not worked (for example, wellness leave, vacation, or holidays) does not count for purposes of overtime/compensatory time accrual, only time actually worked within the workweek (unless an employment contract or collective bargaining agreement states otherwise).

Compensatory time accrual is capped at a maximum of 60 hours, and thereafter any further accruals will automatically be paid as overtime. Although compensatory time will be recorded separately from annual leave accrual, it may be used like annual leave.

Any accrued but unused compensatory time will be paid out at separation for any reason. Employees will receive a monthly report indicating the amount of compensatory time they have accumulated.

Exempt employees are not able to earn overtime or compensatory time.

Eligibility

Fulltime non-exempt/hourly employees (regular status or temporary).

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 must 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.
- If a staff member does not indicate a preference between these options, EMSWCD will default paying the employee the time and ½ option.
- If time is accumulated, a maximum of 60 hours may be accumulated for both exempt and non-exempt employees.
- Paid 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 vacation leave if they want to take a day off. Taking 8 hours of paid vacation 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 employee should only clock the actual “hours worked” (39) plus an additional 1 hour of paid vacation leave, to make 40 hours in the workweek.
- Paid wellness leave is the exception to this. If the above employee takes 8 hours of paid wellness leave during the above week, the total for the week would be 47 hours and the employee would accrue 10.5 hours (at time and a half) of overtime/compensatory time.

Use

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.

Time Keeping

All employees are to use EMSWCD's provided time keeping system to record all daily work activities for District tracking purposes. Employees are required to ensure that time records accurately reflect the amount of time spent on District activities and code non-work related entries (vacation, wellness, holiday, etc) to the correct account.~~an activity, and accurately code that time to the correct account.~~

All employees (both Exempt and Non-exempt) are required to enter work hours on a monthly basis into the time reporting system. Employees will be shown how to enter and code their time during orientation. Hours should be tracked throughout the month-pay period to ensure timekeeping is accurate. Timesheets are due by noon on the 24th of each month unless otherwise prescribed by the Chief of Finance & Operations, two business days prior to the end of the monthly pay period, or by the end of the employee's last working day in the pay period if earlier in the month.~~As timesheets are due before the end of the month, the last few days of the month will be a projection. When the payroll is completed, the bookkeeper will create a printout of each employee's hours for the month. Employees must review the printout and identify any inaccuracies (i.e., differences between what was recorded for the month and what actually worked for the month), initialing it and return it to their supervisor. If there were no changes, employees should indicate as such and initial.~~

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Employees must accurately record any use of paid time off (such as vacation leave, wellness leave, or holiday leave) on the time keeping system, as well as any unpaid time off.

Non-Exempt employees are not to conduct any work activities "off the clock." Time entries must accurately reflect actual work hours and any unpaid breaks during the workday.

Employees may not falsify timekeeping entries or use the timekeeping system for other employees (e.g., recording work hours for another employee). Violations of this policy may result in disciplinary action, up to and including termination.

Breaks & Meal Periods

Non-Exempt employees are to take break and meal periods in accordance with applicable state and federal regulations. Non-Exempt employees are to take one 15-minute paid break for each four-hour work segment worked (or greater part thereof). Non-Exempt employees who work at least six hours in a day will also receive a 30-minute paid meal period. EMSWCD will provide additional breaks and accommodation, including an appropriate location, for employees who need to express breast milk for their child.

Breaks and meal periods are to be taken towards the middle of each work segment, may not be combined (e.g., lunch immediately followed by a rest break), and are not to be used at the beginning or end of a shift. There will be occasions when unanticipated work activities require a break to be postponed. EMSWCD will make every effort to allow all employees to take required breaks in a timely manner.

Please see EMSWCD's Executive Director if you have any questions regarding breaks and meal periods.

Travel Time & Reimbursable Expenses

When employees are required to travel overnight on EMSWCD's business, the District will make arrangements for lodging and other travel expenses. All overnight travel must be approved in advance by the supervisor, and employees may be issued a stipend to cover reasonable travel expenses.

Non-exempt employees will be compensated for travel time, in accordance with state and federal [travel time rules](#).

Employees are to complete and submit an expense report and present corresponding receipts to the Executive Director within 30 days of the conclusion of travel or other work-related expense. See the Executive Director prior to travel to clarify what constitutes authorized expenses and to seek approval for out-of-town travel. Unauthorized or inappropriate expenses may not be reimbursed. Determination of approved or appropriate travel expenses is at the discretion of the Executive Director. The decision whether to reimburse expenses in excess of the [federal maximum rates](#) will be made by the Executive Director, or if the Executive Director incurs such expenses, by the check signer. EMSWCD will not reimburse costs for alcoholic beverages or pay for others to accompany the employee to an event. EMSWCD will not reimburse for lunches except during overnight travel.

Employees shall be reimbursed for authorized travel expenses. Mileage will be paid at the [current federal rate](#) and based on the distance from the office to and from the event, or from the actual point of departure to and from the event if the point of departure is closer to the event. Employees are encouraged to minimize driving whenever possible. EMSWCD does not compensate for commuting costs.

When traveling, staff should compare prices and seek reasonably priced accommodations. While traveling on EMSWCD business, employees will be reimbursed for the actual costs of lodging and meals up to the Federal maximum rates. Costs exceeding these maximums will only be reimbursed if less expensive accommodations cannot reasonably be found or if there is a compelling advantage to the accommodation chosen (for example it is the site of a conference and there is not a less expensive option close by).

Reimbursement for program expenses as authorized by budgets or the Board shall be submitted on an approved reimbursement request form. Expenses that are not already authorized by budget may be approved by the Executive Director within the limitations set out in the [Fiscal Policy](#). Questionable or undocumented expenses will not be reimbursed unless and until sufficient documentation and/or explanation are received.

Paid Time Off & Leaves of Absence

Time Off Philosophy

EMSWCD encourages employees to take time off from work for vacations, holidays, and as needed for personal and family 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 approved with the same guidelines noted above.

Regular or temporary (employees with pre-determined employment periods and/or end dates), full-time employees and part-time employees who normally work at least 20 hours per week, are eligible for all of the paid leave detailed in this policy. Part-time employees who normally work less than 20 hours per week are eligible for Wellness Leave, but otherwise not eligible for any other type of paid leave benefit. 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.

Paid Vacation Leave

Eligibility

- All regular status employees who normally work at least 20 hours per week shall earn paid vacation leave.
- All temporary employees (employees with pre-determined employment periods and/or end dates), who normally work at least 20 hours per week shall earn paid vacation leave.
- Regular or temporary part-time employees who normally work less than 20 hours per week are not eligible for paid 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, full-time employees based on the amount of time employees have been employed at EMSWCD.
- Part-time employees (regular status or temporary) 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.

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Table 1: Vacation Leave Accrual

| Employment Period | | | | | | | | | | | | | Accrual Rates | | | Max Accumulation | |
|-------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---------------|--------|--------|------------------|--------|
| | | | | | | | | | | | | | Hours | | Weeks | Hours | Weeks |
| Year | Months | | | | | | | | | | | | Per Mo | Per Yr | Per Yr | Per Mo | Per Yr |
| 1st | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 6.67 | 80 | 2 | 80 | 2 |
| 2nd | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 10 | 120 | 3 | 200 | 5 |
| 3rd | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 10 | 120 | 3 | 240 | 6 |
| 4th | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 10 | 120 | 3 | 240 | 6 |
| 5th | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 10 | 120 | 3 | 240 | 6 |
| 6th | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 13.33 | 160 | 4 | 240 | 6 |
| 7th | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 13.33 | 160 | 4 | 240 | 6 |
| 8th | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 13.33 | 160 | 4 | 240 | 6 |
| 9th | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 13.33 | 160 | 4 | 240 | 6 |
| 10th | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 13.33 | 160 | 4 | 240 | 6 |
| 11th | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 15 | 180 | 4.5 | 240 | 6 |
| 12th | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 15 | 180 | 4.5 | 240 | 6 |
| 13th | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 15 | 180 | 4.5 | 240 | 6 |
| 14th | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 15 | 180 | 4.5 | 240 | 6 |
| 15th | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 15 | 180 | 4.5 | 240 | 6 |
| 16th | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 16.67 | 200 | 5 | 240 | 6 |
| 17th | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 16.67 | 200 | 5 | 240 | 6 |
| 18th | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 16.67 | 200 | 5 | 240 | 6 |
| 19th | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 16.67 | 200 | 5 | 240 | 6 |
| 20th+ | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 16.67 | 200 | 5 | 240 | 6 |

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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.
- Use of vacation leave does not count towards the accrual of overtime, compensatory time, or time banks.

Request Procedure

Time off requests for vacation should be scheduled in writing to the employee’s supervisor as far in advance as reasonably possible, at least 10 days prior to proposed time off for vacation time off of a week or more. Employees are asked to not schedule vacation or other personal time off during major events or in conflict with critical District deadlines. Specific vacation requests may be denied due to EMSWCD and stakeholder needs. Please ensure you have received approval from your supervisor for a vacation request prior to making any non-refundable travel purchases.

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.

Paid Wellness TimeEligibility

All employees.

Accrual

- Full-time employees earn 8 hours of wellness leave per month (i.e., 96 hours per year).
- Part-time employees earn wellness leave pro-rated (on the 8 hours per month full-time equivalent) 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, and it carries forward in full from fiscal year to fiscal year.

Use

- Wellness leave cannot be used until it has been accrued (i.e., employees cannot go into “paid wellness leave debt”), except with explicit pre-authorization in writing by the Executive Director.
- Paid wellness leave may be used for personal wellness days, and for any purpose allowed by the Oregon Paid Sick Leave regulations, including:
- To care for the employee or the employee’s family member with a mental or physical illness, injury, or health condition, need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventive medical care;
- To care for an infant or newly adopted child under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability, completed within 12 months after birth or placement of the child;

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- To recover from or seek treatment for a health condition of the employee that renders the employee unable to perform at least one of the essential functions of the employee's regular position;
- For absences associated with the death of a family member, domestic partners and close friends by (1) attending the funeral or alternative to a funeral of the family member; (2) making arrangements necessitated by the death of the family member; or (3) grieving the death of the family member;
- For absences related to domestic violence, harassment, sexual assault or stalking, including:
- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
- Seeking medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee's minor child or dependent;
- Obtaining, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;
- Obtaining services from a victim services provider for the eligible employee or the employee's minor child or dependent; or
- Relocating or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent;
- In the event of a public health emergency, including but not limited to:
 - Closure of the employee's place of business, or the school or place of care of the employee's child, by order of a public official due to a public health emergency;
 - A determination by a lawful public health authority or a health care provider that the presence of the employee or the family member of the employee in the community would jeopardize the health of others; or
 - The exclusion of the employee from workplace under any law or rule that requires the employer to exclude the employee from the workplace for health reasons;
 - An emergency evacuation order of level 2 (SET) or level 3 (GO) issued by a public official with the authority to do so, if the affected area subject to the order includes either the location of the employer's place of business or the employee's home address; or
 - A determination by a public official with the authority to do so that the air quality index or heat index is at a level where continued exposure to such levels would jeopardize the employee's health.

Use of wellness leave does count towards the accrual of overtime, compensatory time, or time banks.

Request Procedure

Time off requests for anticipated use of wellness leave should be scheduled in writing to the employee's supervisor as far in advance as reasonably possible, ideally at least 10 days prior to proposed time off. When advanced notice is not possible, such as for unanticipated illness, employees are to contact their supervisor prior to the start of the scheduled work activity

whenever feasible. Employees must notify their supervisor promptly if they have an unanticipated need to leave work early.

When providing notification for an unexpected absence/tardiness, employees are expected to give the reason for the absence in general terms (for example, “sick” or “dependent is sick”) and estimated length of the absence. You do not need, and in fact are requested not to include, details about the nature of your illness or symptoms, etc. except to the extent you may be obligated to inform EMSWCD if you suspect that it may be COVID-related so that appropriate screening, notification, or exclusion rules can be applied.

At the request of EMSWCD, documentation from a physician may be required for use of wellness leave for illness or injury reasons 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.

Floating Holiday Leave

Eligibility

All employees who are regularly scheduled to work at least 20 hours per week.

Accrual

- There are typically 11 federal holidays each year. EMSWCD treats these days as “floating holiday” leave time.
- Full-time employees (regular or temporary) 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 fulltime 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: 0 hours
 - April: 0 hours
 - May: 8 hours
 - June: 8 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.

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- All eligible employees may use floating holiday leave as described above, including on the holiday itself.
- Floating holiday use will be paid out on the pay period in which it is used.
- 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 not be compensatory time, overtime pay, or time bank.
- Use of vacation leave does not count towards the accrual of overtime, compensatory time, or time banks.

Request Procedure

Time off requests for floating holiday use should be scheduled in writing to the employee’s supervisor as far in advance as reasonably possible, preferably at least 10 days prior to proposed time off. Employees are asked to not schedule floating holiday use during major events or in conflict with critical District deadlines. Specific floating holiday requests may be denied due to EMSWCD and stakeholder needs. Please ensure you have received approval from your supervisor for a floating holiday request prior to making any non-refundable travel purchases.

Employees who are veterans of the United States Armed Forces are entitled to use floating holiday leave or take unpaid time off for Veterans’ Day (November 11) provided they provide EMSWCD with at least 21 calendar days’ notice that they intend to take Veterans’ Day off and provide EMSWCD with documents evidencing veteran status. EMSWCD may limit Veterans’ Day time off if providing time off would cause a significant economic or operational disruption or undue hardship.

Status upon departure

At separation, all unused, accrued floating holiday leave in a fiscal year is paid out.

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”² 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.
- From this point forward in this policy, “family member” and “member of household” is as defined by the employee.
- 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.
- A regular status employee (the “donor”) who normally works at least 20 hours per week may donate accumulated vacation leave, wellness leave, bank time, and/or compensatory time to an eligible employee 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 to be away from work; it must also be consistent with the amount of time the employee requests. Medical documentation obtained for other purposes such as 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 chronic allergies or conditions, absences due to contagious diseases, or 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. Determination of approval is at the discretion of the Executive Director.
- 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 the Chief of Operations & Finance 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, time bank, 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.
- Payout of donated leave is treated as wages, and subject to taxes and withholdings the same as regular pay or other paid leave.
- 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 insurance wage replacement payments.
- The following language must accompany the donated leave request: "I understand that my use of donated leave may offset the receipt of disability insurance wage replacement payments."
- 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, and of course

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subject to any additional leave requirements that may apply if used concurrently with an approved unpaid leave (such as FMLA, for example).

- 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.

Jury Duty

All employees are allowed paid time off for jury duty. Employees are asked to provide a copy of their jury duty summons or subpoena to the employee's supervisor as soon as possible so arrangements to accommodate their absence can be made. The employee is expected to report for work whenever the court schedule permits. Employees should not accept stipends or mileage reimbursement from the court's administrative body.

Bereavement Leave

Eligibility

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

Accrual

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

Use

Use of bereavement time must be identified appropriately on the employee's timesheet.

If staff believe they need additional time, they may use any combination of accrued paid leave (such as vacation, wellness, floating holiday, time bank, and compensatory time) and/or request paid domestic leave. Note that time off for bereavement leave is a qualified purpose for use of wellness leave, per Oregon Paid Sick Leave regulations.

Status upon departure

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

Voluntary Family/Medical Leave

Because EMSWCD does not have a worksite that employs 50+ employees, District employees are not eligible for Family and Medical Leave Act (FMLA). Similarly, EMSWCD does not currently employ 25 or more employees, so District employees are not eligible for Oregon Family Leave Act (OFLA). EMSWCD does, however, provide medical/parental leave, supplemental medical/parental leave, and paid domestic leave as described below.

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 employees are not eligible for medical/parental leave, supplemental medical/parental leave, and paid domestic leave.

Accrual

- Regular status, full-time employees will be provided up to 24 weeks of time off (per any consecutive 12-month period) without pay for medical/parental leave. Medical/parental leave is intended for the employee's time off needs due to their own serious health condition, to care for a family member with a serious health condition, and/or for the birth or adoption of a child.
- 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, full-time 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 child⁴ or during the serious illness of the employee, the employee's spouse, partner, or family member, hereafter referred to as **paid domestic leave**.

Use

- Qualifying reasons for taking medical/parental leave, supplemental medical/parental leave, and paid domestic 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, supplemental medical/parental leave, and paid domestic 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 instead of taking any medical/parental leave; or
 - In conjunction with 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.
- Appropriate documentation may be required to accompany requests.
- EMSWCD will undertake its best efforts to ensure that employees returning from leave are returned to their same or a similar job, but reinstatement is not guaranteed.
- If the employee does not return within three days of the stated return date and no extension has been approved, EMSWCD may assume the employee has resigned and shall terminate the employee's employment.

Status upon departure

These leave benefits must be used during employment. Any paid leave entitlements that may have been available under this policy, forfeit and are not cashed out at separation for any reason.

Natural Disasters, Attacks, Quarantines

In the event of a catastrophic occurrence, the safety of staff and board members is our highest priority. 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. 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.

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 workload allocation issues, under ideal circumstances only one staff per program will take sabbatical leave at any given time. As such, requests will be reviewed and approved on a first-come, first-serve basis. When evaluating requests for sabbatical leave from the same programmatic unit that are submitted in the same week for an over-lapping period of time, the Executive Director will evaluate requests based on the following:
 - Number of sabbatical leaves previously taken (the fewer taken, the more likely to be approved);
 - Length of time since most previous sabbatical leave (the longer the time, the more likely to be approved);
 - Length of service at EMSWCD (the longer service, the more likely to be approved);
 - Quality of the aforementioned sabbatical plan and related financial cost and programmatic impact to EMSWCD (higher quality is more likely to be approved);
 - Direct benefits to EMSWCD as a result of a professional or social pursuit (the more benefit, the more likely to be approved);
 - Benefits to conservation in general as a result of a professional or social pursuit (the more benefit, the more likely to be approved); and
 - Benefits to society as a result of a professional or social pursuit (the more benefit, the more likely to be approved).
- When approved, sabbatical leave will officially start on the first regular workday following the last day worked for EMSWCD.
- While on sabbatical leave, the employee is required to check in with the supervisor on a monthly basis to inform the supervisor of the employee's status and to notify the supervisor of any change in the employee's contact information. If this will not possible, prior alternative "check-in" arrangements must be made.
- Insurance coverage will be maintained for the employee while on sabbatical leave for the months that the employee is able to intersperse on average at least 20 hours per week of accrued paid leave.
- Insurance coverage will not be maintained for the employee while on unpaid sabbatical leave during months that the employee intersperses on average less than 20 hours per week of accrued paid leave. The employee may continue insurance coverage by paying the full premium by the first of each month.

- Sabbatical leave shall protect the length of service and returning benefit rights of employees. Benefits, however, do not accrue during unpaid sabbatical leave, but are retained at the same level.
- EMSWCD will undertake its best efforts to ensure that employees returning from leave are returned to their same or a similar job, but reinstatement is not guaranteed
- If the employee does not return within three days of the stated return date and no extension has been approved, EMSWCD may 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.

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 without pay (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 full-time employees (a prorated amount for part-time employees) may be provided. Additional Disability Leave may be requested beyond this time if needed and will be provided absent undue hardship.

Leave for On-the-Job Injuries

Employees who are eligible to receive workers' compensation (including temporary employees) are entitled to work-related injury leave with full pay for up to five scheduled workdays (40 hours or normal number of hours scheduled in a week). This leave, for illness or injury arising out of and in the course of employment, is not charged to other forms of accrued paid leave. Absence from work of more than five days due to a work-related injury will be accommodated through family/medical leave. Employees receiving workers' compensation for job-related injuries or disease may use other forms of paid leave to supplement the payment up to, but not to exceed, their regular rate of pay. After all other forms of paid leave have been exhausted, employees are not entitled to leave or pay benefits other than workers' compensation. Employees may be put into a leave without pay status during this time without adjustment in the position/employment service period.

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.

Military Leave

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, Space Force, National Guard, Reserves or Public Health Service will be granted an unpaid leave of absence for military service, training or related obligations, and reinstatement following such a leave, in accordance with applicable law. Employees should submit a copy of their duty orders to the Executive Director as soon as practicable after receiving such orders.

Domestic Violence, Sexual Assault, or Stalking Leave & Accommodations

An employee who is a victim of domestic violence, sexual assault or stalking (DVSAS) may request a reasonable safety accommodation to allow the employee to more safely continue to work. For instance, a safety accommodation might be a transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed workstation, installed lock, change in District policy, or any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault, or stalking. It is an unlawful employment practice for any Oregon employer to discriminate against an individual in hiring or any other employment decision because the individual is a victim of DVSAS. Reasonable DVSAS safety accommodations will be granted, unless it imposes an “undue hardship” on EMSWCD. The District has the right to ask the victim for certification that the employee is a victim of DVSAS. Unless otherwise required by law, any documents provided as certification of the victim’s status must be kept confidential and may not be released without the employee’s express permission.

An employee may be eligible for leave if the employee or their minor dependents are the victims of domestic violence, sexual assault, harassment, or stalking.

Leave for domestic violence, stalking, harassment, and sexual assault victims may be taken (1) to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking; (2) to seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault to or harassment or stalking of the eligible employee or the employee’s minor child or dependent; (3) to obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking; (4) to obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent; or (5) To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee’s minor child or dependent.

The duration of the leave may be limited if the leave will pose an undue hardship on District activities. When seeking this type of leave, employees must provide as much advance notice as is practicable, unless giving the advance notice is not feasible. Notice must be provided by submitting a request for leave in writing to the Executive Director, indicating the time needed and the reason for the leave. EMSWCD may require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized is needed, employees must give notice to the Executive Director as soon as practicable prior to the end of the authorized leave.

When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practical. When leave is unanticipated, this notice may be given by any other person on the employee’s behalf.

Unpaid leave under this section is available in addition to available PTO. Please see the Executive Director if you need a DVSAS leave or accommodation.

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Leave For Victims of Crime to Attend Criminal Proceedings

Employees who have suffered financial, social, psychological, or physical harm to themselves or an immediate family member as a result of personal felony may be eligible for leave in order to attend criminal proceedings. In order to be eligible for this leave, an employee must have worked for more than 25 hours per week for six months immediately prior to the leave. Employees must provide reasonable notice to the Executive Director of their intention to take leave under this policy and provide copies of scheduling notices from a law enforcement, judicial, or other State agency upon request. The District will treat such documentation as confidential information.

If the employee's leave would create an undue hardship on EMSWCD the leave may be limited, and the employee may request that the court take the employee's work schedule into account when scheduling the proceedings. Unpaid leave under this section is available in addition to available PTO.

Volunteer Civil Service Leave

Oregon employees who are (1) a volunteer firefighter in a rural fire protection district or a firefighter employed by a city or a private firefighting service performing services authorized by the Governor of Oregon in case of emergency, or (2) are a member of an organized state militia called into active service, are eligible for a leave of absence to perform such services. If you are an official volunteer firefighter or member of an organized state militia called into active service, please alert the Executive Director that you may have to take time off for emergency duty. When taking time off for emergency duty, please inform the Executive Director as soon as possible.

Oregon employees that are members or prospective members of the Legislative Assembly who require leave to attend any regular or special session of the legislature or to perform official duties as a member or prospective member of the legislature shall be granted a leave of absence from such regular employment position for such period of time as is reasonably necessary to permit such attendance or performance of duties.

Bone Marrow Donation Leave

Employees who work an average of 20 hours or more per week are eligible for protected leave of absence to undergo a medical procedure to donate bone marrow.

The total length of the leave shall be determined by the employee but shall not exceed the amount of already accrued paid leave or 40 work hours, whichever is less.

EMSWCD may require verification by a physician or naturopathic physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence used by the employee prior to that medical determination is not affected.

EMSWCD shall not retaliate against an employee for requesting or using accrued paid leave of absence as provided by this policy.

Voluntary Leave without PayEligibility

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

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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.
- All other forms of paid leave, except for wellness leave, should be used before additional leave without pay under this section is used.
- 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.

Employee Benefits and Tenure 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 receive normal employee benefits provided by EMSWCD and will continue to accrue all normal employment tenure.

Employees on approved unpaid leave (over 20 hours per week) are not entitled to some employee benefits (see table below). 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 some benefits are not available during approved unpaid leave, all normal benefits will be available at the same level upon return to at least 20 hours per week of work or paid leave.

| Continued Benefit | Benefit Pause |
|---|---|
| <ul style="list-style-type: none"> • Health insurance * • Flexible spending accounts ** • Life insurance *** • Worker's compensation insurance **** • Short and long-term disability insurance • Employee wellness | <ul style="list-style-type: none"> • Salary/wages • Worker's compensation insurance ***** • Leave (any type) accrual • Retirement contributions • Tuition assistance • Job training funding |
| <p>* Health insurance: For all unpaid leave except Sabbatical Leave. Enrollment continues for no more than 365 days in a nonpay status. The EMSWCD contribution continues for employees while employees are in a nonpay status. EMSWCD will also continue EMSWCD contribution toward dependent coverage if the employee continues to pay the employee portion of the monthly premiums while in the nonpay status.</p> <p>** FSA: Employees are responsible for continuing any arranged FSA premium during the time off without pay.</p> <p>*** Life insurance: Minimum coverage continues for 12 consecutive months in a nonpay status without cost to the employee. Any coverage above the minimum is the responsibility of the employee.</p> <p>**** Worker's comp: An employee may be absent from work due to an injury on-the-job and be receiving benefits from a worker's compensation insurance claim.</p> | |

**** Worker's Comp: An employee absent from work due to an on-the-job injury and receiving benefits from worker's compensation insurance would no longer be covered for new injuries on-the-job via worker's compensation insurance because the employee would not be at work.

Employees on approved unpaid leave of more than 20 hours per week may not be entitled to continue accruing normal position/employment, leave accrual, and tuition assistance-related tenure (see table below), except as expressly required by law.

| Continued Tenure | Tenure Pause |
|--|--|
| <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • Position/employment service period * • Leave accrual service period • Tuition assistance required service period |
| <p>* <u>Position/employment service period</u>: An employee absent from work due to an injury on-the-job and receiving benefits from a worker's compensation insurance claim will continue to earn tenure in terms of position and employment.</p> | |

Unapproved Leave

Any employee who takes unapproved leave for more than three consecutive workdays may be deemed to have resigned from employment with EMSWCD.

Non-Pay Employee Benefits

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 time employees, and part-time employees who normally work a minimum of 20 hours per week and are expected to work at least 120 days in a calendar year. Continued availability of these and other benefits are contingent on availability of funding and subject to change by EMSWCD’s Board of Directors. Employees who work less than 20 hours per week, in addition to temporary employees regardless of the hours worked, are not eligible for non-pay benefits, except when required by law. 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 employees, are identified below. For benefits and other work-related purposes, EMSWCD recognizes domestic partners, consistent with the law.

Health and Disability Insurance

Health insurance (including medical, dental, and vision) is provided for full-time employees and part-time employees (who normally work at least 20 hours per week) at no cost. Employees must be scheduled to work for EMSWCD for more than 120 days in a calendar year to be eligible for health insurance coverage. Employees eligible for health insurance coverage 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.

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

Employees may purchase supplemental health insurance through EMSWCD’s provider. If an employee elects to purchase supplemental insurance through EMSWCD’s provider, 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, EMSWCD will continue to provide insurance benefits so long as unpaid leave is approved and the plan permits it. If an employee is approved for short-term disability coverage by EMSWCD’s carrier, 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; EMSWCD pays an additional \$100 per week through self-insurance. If the employee remains unable to work once short-term disability benefits are exhausted, EMSWCD will discontinue benefits and the employee will be offered COBRA.

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Short-Term Disability Insurance

Short-term disability insurance is provided for all employees (regular and temporary) 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 leave. If the employee is not on short-term disability leave, 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.

Long-Term Disability Insurance

Long-term disability insurance is provided for regular status employees at no cost. Long-term disability insurance is not available for family members.

Flexible Spending Account for Healthcare and Dependent Care

EMSWCD will provide employees eligible for District health insurance the opportunity to contribute to a Flexible Spending Account/ Dependent Care Account on an annual basis. Under the program, employees can set aside pre-tax dollars to pay for healthcare and dependent care-related expenses. Total family limits (for example, if both spouses have separate FSA accounts) apply, but employees may experience no tax savings if a family's combined contributions reach the maximum. For details, employees are encouraged to seek information directly from the program provider.

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 EMSWCD's provider. If an employee elects to purchase supplemental insurance through EMSWCD's provider, 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.

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. 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 employees are not eligible.
- When an employee leaves 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 Chief of Finance & Operations.

Employee Assistance Program (EAP)

EMSWCD supports employee and family wellness and is committed to providing services and opportunities to its employees. EMSWCD has engaged the services of an [Employee Assistance Program \(EAP\)](#) that offers confidential assessments, short-term counseling, referrals, and follow-up services on a wide variety of topics and issues to staff and their benefit-eligible family members. These assessments and counseling sessions are six (6) per individual per unrelated issue. The variety of issues or work-life consultations, resources, referrals, and counseling services available include, but are not limited to, daily life, legal (excluding employment-related issues), financial matters, ID theft consultation, childcare & parenting, older adult & eldercare, and substance abuse. Sessions are with a licensed or qualified professional counselor to assist in identifying the problem, developing a plan to address the concern, and making a referral for ongoing care if and when appropriate. Additional services and assessments are available through this program.

COBRA Continuation of Benefits

[COBRA continuation coverage](#) is a continuation of plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Federal law requires that the plan give employees and their families the opportunity to elect COBRA continuation coverage when there is a "qualifying event." Generally, the employee is responsible for all premium costs for elected eligible plan coverage when COBRA is elected. Qualifying events include:

- Death;
- Separation from employment;
- Reduction in hours below the required threshold to maintain coverage;
- The employee becomes eligible for Medicare benefits (under Part A, Part B, or both).
- An employee's covered spouse and/or dependent children will become qualified beneficiaries if they lose coverage under the plan because any of the above qualifying events happens, or if
- The covered employee becomes divorced or legally separated; or
- The employee's covered child stops being eligible for coverage under the plan as a "dependent child."

There are established windows of time in which an employee must notify EMSWCD of a qualifying event for COBRA coverage. Please see the Chief of Finance & Operations as soon as you have knowledge of a qualifying event, or if you have any questions about COBRA continuation of benefits details.

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Professional Development

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.

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, where appropriate. 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 the allotted annual budget per program (training times and amounts are prorated for regular part-time employees who work at least 20 hours per week). Please see the Chief of Finance & Operations to learn the current training budget for the year. Due to budget and time constraints, this annual training allotment may be limited further from year to year. Also, employees should note that annual professional development/training plans that are required of all employees are significantly different than Professional Improvement Plans (PIPs) that are required for underperforming employees.

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 "Meet 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. Reimbursement will be based on:
 - 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.

- 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.
- Class time and homework time shall not be considered work time.

Job Promotions & Transfers

In accordance with EMSWCD's commitment to equal employment opportunity, we typically post all vacancies. Current employees are encouraged to apply for open positions. EMSWCD reserves the right to fill a position by transfer or appointment. When a current employee receives a new position at the district, they must complete a probationary period to determine the suitability of the placement and the employee's ability to satisfactorily perform the required work. A transferred employee serving their probationary period is still considered a regular employee, eligible for all benefits to which they would normally be entitled. If the employee does not satisfactorily complete the probationary period, the employee 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
- Be terminated from employment.

Acknowledgment of Handbook Receipt

I hereby acknowledge that I have received this Employee Handbook. I understand that it is my responsibility to ask questions for clarification if necessary, and to follow the policies, guidelines and practices it summarizes. I understand that a copy of this acknowledgment form will be placed in my employee file.

I also acknowledge that East Multnomah Soil & Water Conservation District has the right to modify, amend or withdraw any or all provisions in this handbook. Such action becomes effective when a copy of such modification is distributed to me, and that I am expected to familiarize myself with any changes communicated, and to likewise ask questions if clarification is needed.

I also understand and acknowledge that employment is “at-will”, and East Multnomah Soil & Water Conservation District and I have the right to terminate my employment at any time for any lawful reason, with or without cause or notice. I further acknowledge that my employment-at-will status can only be altered by a written and signed employment agreement between East Multnomah Soil & Water Conservation District by and through the District’s Executive Director, and me.

I understand that this Handbook and the policies contained herein are not intended to, nor will they be applied by EMSWCD so as to, limit or prevent me from exercising any rights I may have under the [National Labor Relations Act \(NLRA\)](#) and/or equivalent Oregon law, as applicable.

Sign Name

Print Name

Date

Appendix

The Agreements

1. Be mindful of privilege, power dynamics, unconscious bias, and missing perspectives.
2. Honor privacy (personal stories stay, learnings go).
3. Listen to understand.
4. Speak responsibly.
5. Make space. Take space.
6. Acknowledge, accept and work through mistakes.
7. Be willing to do things differently and/or experience discomfort.
8. Expect and accept non-closure.

Employment Regulatory Agencies

[Oregon Bureau of Labor & Industries](#)

Email: BOLI_help@boli.oregon.gov

Phone: [971-673-0761](tel:971-673-0761)

[Oregon Occupational Safety & Health](#)

Email: tech.web@dcbs.oregon.gov

800-922-2689

[U.S. Equal Employment Opportunity Commission](#)

Email: Info@eeoc.gov

Phone: [1-800-669-4000](tel:1-800-669-4000)

[U.S. Department of Labor](#)

Phone: [1-866-4-USA-DOL](tel:1-866-4-USA-DOL)

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August 5, 2023

To: Multnomah County Land Use Hearings Officer

Subject: Portland Water Bureau Treatment Plant

The proposal by the City of Portland to site an urban water facility, including water treatment plant, administrative offices, raw and distribution lines and a communications tower, involves some of the highest quality and most productive agricultural land in the state of Oregon. As proposed, it would remove and convert nearly 95-acres of rural, agricultural land to a facility that serves an urban metropolitan area. The operational characteristics of the proposed facility would also adversely impact farming operations in the larger agricultural region that surrounds the subject property. Please consider the following comments and concerns in review of the proposed development.

The Economic Footprint of the Nursery and Greenhouse Industry

The nursery and greenhouse industry are the state's largest agricultural sector, and the industry ranks third in the nation, with over \$1.3 billion in sales annually to customers in Oregon, the rest of the United States, and abroad. In fact, nearly 75% of the nursery stock grown in our state leaves our borders – with over half reaching markets east of the Mississippi River. Oregon's elite growers send ecologically friendly green products out of the state and bring traded sector dollars back to Oregon. It is an important element of the state's traded sector economy. Nursery association members represent wholesale plant growers, retailers, and greenhouse operators and suppliers across Oregon. Our members are located throughout the state, with our largest nursery growing operations found in Clackamas, Marion, Washington, Yamhill, and Multnomah Counties.

Attempts by nursery operators and the association to resolve the issue in advance

The placement of a water treatment plant in the Gresham/Boring area will have a significant impact on the short- and long-term economy of production agriculture. The fact that the City of

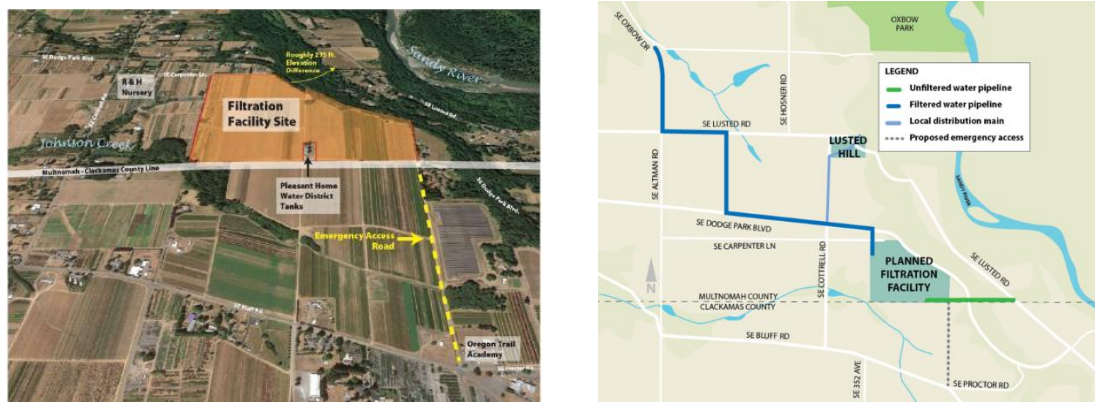
Portland owns a parcel in the middle of an active rural area is no excuse to expand a footprint, reduce farmland, and erode the critical mass of support for the agricultural industry. This is the best of the best farmland in the state. We have example after example of growers giving tours of the impacted area to city planners to help provide context of how the agricultural economy works. We question why this parcel is the best option – especially in an area designated as a rural reserve. The City should first be considering other siting alternatives that do not convert agricultural land and are that not located on rural lands.

Agriculture is a complex industry. Heavily dependent on weather, water rights and the correct mixture of quality soil and critical mass of production agriculture – growers must contend with planting, a changing climate impacting growing seasons, pest and disease management and ultimately harvest and shipping to customers around the state, nation and the world.

Urban encroachment on agriculture has been increasing. From 2012-2017 – farmland decreased 15% and seen nursery acres decrease (2600 acres) and irrigated agriculture see a reduction (2300 acres). This proposal would take 6% of the farmland out of production. This is not solely about the farm operations but the supply chains that go with it. Without critical mass, the erosion of the family farm will continue. Agriculture has as many infrastructure needs as a city.

OAN Executive Director Jeff Stone and several impact nursery growers have reached out to Portland City Commissioner Mingus Mapps and other than a quick meeting with staff, to discuss our concerns and possible options – we were greeted with silence. Communication and request for a meeting directly with Commissioner Mapps have been denied.

Summary of the issue at hand



The City of Portland, under an EPA requirement to filter its municipal water, has proposed siting an urban water treatment plant in a Multnomah County rural reserve as part of the Metro urban and rural reserves agreement consequently approved by LCDC which comes from the Bull Run Reservoir in the Sandy River drainage. The treatment plant project will require the approval of a nonfarm use. It will entail six years of construction, and the removal of 1.8 million yards of high-value farmland soil. Approval of a nonfarm use requires findings that the project won't force a significant change in accepted farm practices, nor any significant increase in the cost of that practice. Agricultural groups are concerned about traffic impacts both during and after

construction and assert that Portland and Multnomah County officials haven't fully considered these impacts. These materials, along with the hundreds of construction workers and their equipment, will clog our rural farming roads. This will move traffic onto those few other roads not directly impacted, which in turn will impact our operations in ways Multnomah County and the City of Portland have not considered.

The primary review standard related to the protection of agricultural lands in this case is commonly known as the Farm Impacts Test. This test was recently applied and interpreted by the Oregon Supreme Court (*Stop the Dump Coalition v. Yamhill County*, 364 Or 432 (2019)). It is key to protecting farming operations from noncompatible nonfarm land uses. This test requires that a use may be approved only where it is determined that the use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

A "significant" change or increase in cost is defined as one that has — or likely will have — an important influence or effect on the farm. This is required to be applied for each relevant accepted farming practice identified in the area determined to be impacted by the proposed development. The Farm Impacts Test requires that the review of the test criteria must be applied (considered) on a farm-by-farm basis and a farm-practice-by-farm-practice basis. It is important to note that the Farm Impacts Test is not a conversion (supply of land) or farm profitability test. The applicant for the nonfarm use must establish that neither significant changes to accepted farm practices nor significantly increased costs will occur due to the nonfarm use. If a farmer must change accepted farming practices, even if there are no increased costs or reduced profitability, the use may not be allowed. The Farm Impacts Test also requires that the cumulative effect of individual impacts must also be considered. There appears to be little if any consideration of the cumulative impacts of the various development and operation characteristics proposed development on area agricultural operations. The burden of proof is not on the farm operator, it is on the applicant.

Direct economic impacts – both known and assumed

Let's not sugarcoat the impact that construction and adjusted traffic patterns will have on rural roads and operations. It is quite foolish of city planners to downplay the redirected traffic impact will have on agricultural roads. A six-year process will impact those who are not near the area in question as traffic flow will come into direct conflict with moving agricultural equipment and make movement of products more dangerous for urban travelers.

Multiple years of construction and the change to traffic patterns to avoid the work will create impacts on roads well outside of the adjacent area. For agriculture, it is imperative that an operation be able to move employees, equipment, and plant material from farm to farm. In addition, the pipe from the treatment plant will take 5 acres out of production of a 35-acre farm. If possible, restoration of the impacted soil would involve a significant cost to the landowner.

Loss of the land could represent a significant loss of revenue, impacting overall viability. Markets and interruption of producing plants are hard to calculate and certainly customers are not going to wait for a treatment plant to be completed when these are traded sector products. The customer moves on to fill the order and economic harm occurs. It is anticipated that large treatment trucks will compete with transportation infrastructure at the loading docks as well as agricultural practices (dust, spraying, and buffers) will be curtailed.

We have reviewed the traffic impact study and while it checks some of the boxes of a process, the late release of the study to the general public makes the association suspicious if the work was done in an impartial manner. It is not only the construction area and adjacent lands that are impacted – secondary roads will be at the mercy of the construction schedule – as residents and businesses will wish to avoid delays.

The OAN has heard from a plethora of members who will be harmed economically by the city. U-pick operations will see an impact by large equipment and activity in the area during critical sale cycles. We do not believe that the burden of proof by the city of minimal impact on agricultural operations and rural residents has been met.

- A simple map can be found that show just licensed nursery owners in the impacted area (see OAN Map #1). This does not count, much to our dismay, agricultural lands that are leased or in production as an extension of the nursery licensed operators. To see the simple version, go here: [Portland WaterTreatment.pdf](#).
- OAN Map #2 takes this one step further, showing the actual footprint (land area) of lands utilized by the nursery and other agricultural operations in the area that would be impacted by the proposed development. **Lands involving the nursery industry total 8728 acres**. OAN Map #2 shows the location of the roads used by the City's consultant to conduct a traffic analysis.
- OAN Map #3 the location of the proposed pipelines and the location of a proposed emergency access road. These maps are much better indicators of the relationship between agricultural lands in the area and the elements of the proposed development that would adversely impact area agricultural operations.

Environmental impacts

It is our understanding that 1.8 million cubic yards of soil will be removed and assumed that any soil returned to the site will have a negligible impact. This is false. Native soil is different, and it is never the same. Two articles are submitted into the record that demonstrate this point:

<https://grist.org/energy/new-research-shows-sustained-damage-to-agricultural-land-near-pipelines/>

<https://acsess.onlinelibrary.wiley.com/doi/full/10.1002/agg2.20312>

Urban county is doing rural planning

This is a groundwater limited area designated by the Oregon Water Resources Commission (see attached OWRC document) and a number of water rights in the area will be impacted. While

exempt wells allow rural residential to coexist with production agriculture – placing a treatment plant for the sole use in an urban area in a rural zone is bad policy. When the State Legislature passed a 50-year urban-rural reserve bill, it took less than a decade for the City of Portland and Multnomah County to break its word and promise. This particular area (Highway 26 to Sandy, South to the Clackamas County line, East to the Sandy River, North to Troutdale urban growth boundary line and West to 302nd Street) was heavily debated and put in rural reserves for a reason: to keep agricultural land in production. Converting lands that are in conflict with the preservation of farmland should be a last-ditch effort with all parties at the table to secure a balanced compromise. This did not happen. OAN Map #4 shows the location of area agricultural operations in relation to the establish Rural Reserve lands.

While this area is zoned multiple use for agriculture, it is a bit disingenuous that if another use – such as a google plant or Fed Ex site, the city and county would act quickly to deny the application. Like the examples given, the proposed water treatment plant is a business as Portland sells the water to its citizens and others and assess taxes for other uses. It is our considerable opinion that county code restrictions kick the water treatment plant out of contention for siting for several reasons:

- Multiple Use Farm Zone: This designation requires that any changes must serve the needs of the rural area. Much like the West Sandy Plan.
- Any changes must be consistent with the subject area – agricultural and rural residential
- There is a serious inconsistency with the county comprehensive plan.
- The city and county took a short cut by designating this a utility facility in an effort to avoid examining agricultural practices.

The ultimate test is if the siting of the water treatment plant would force a change in an agricultural operation's production – or increase cost (time, traffic, change of operations or disruption). In all of these examples the answer is yes (OAN Map #3).

Process issues invalidate the place of the water treatment plant

No cost estimate updates have been released since 2020. With rapid inflation and the cost of critical supplies increasing – any estimate is likely out of date. The area in question is surrounded by rural residential and agriculture and the footprint of the surrounding area has been grotesquely minimized and the broader area should receive a farm impact test. We also question the liberal definition of a “completed application” put forward by the proponents.

Multnomah County has a history of being active in preventing non-agricultural operations from being located in rural areas. The OAN and the farm community worked hard with county leaders to bring balance with urban and rural needs over a 50-year horizon. Other counties have denied non-conforming uses in critical farm areas and we believe Multnomah County should revisit the water treatment plan application.

We would pose a few basic questions:

1. Will the character of use change due to this project? Yes
2. Will the siting of the treatment plant impact the nursery industry? Yes

3. Did the planners adhere to comprehensive plans? No
4. Are there additional public services for the rural area included? No.

Short cuts should not be rewarded – remand this process back to the planning stage

This is clearly an urban facility being sited in a rural area one specifically designated as a rural reserve by Multnomah County to support urban uses, is an abuse. Urban facilities should be located within urban growth boundaries. The only exception is if no alternative sites are available and that has not been shown.

It is simple why the city chose this particular site to place a water treatment plant: they own it. It should be mentioned that the city purchased the site thru condemnation in 1975 knowing it was in the middle of prime agricultural farm land zoned as exclusive farm use. This action is precedent setting and opens up agricultural areas for siting of urban needs at the expense of the land use laws. The city does not need quality soil in order to grow quality plants. We do. Coupled with the rickshaw process and a lack of an alternatives analysis, the city should hit pause and go back to the drawing board.

The OAN submits into the record – four large maps (referenced above as OAN Maps 1-4) for the Hearings Officer’s consideration as it related to economic impact that the substandard work done by the Portland Water Bureau. Please see below links for the various maps below. In an effort to be helpful, we are also submitting a set of physical maps along with a paper copy for ease of review. As we have shown, this area is prime and productive farmland with an estimated annual value of \$180 million in sales – which are traded sector dollars supporting the local and state economy.

The Oregon Association of Nurseries is joined by local rural fire departments, school districts and law enforcement in opposing the siting of this water treatment plant.

Respectfully submitted.

Jeff Stone, Executive Director, Oregon Association of Nurseries
29751 SW Town Center Loop, West, Wilsonville, Oregon 97070
Email: jstone@oan.org; Cell: 971-235-3868

Impacted members who oppose the water treatment plant

Larry and Angi Bailey, Verna Jean Nursery, 8325 SE Altman Rd, Gresham
Sam Barkley, J Frank Schmidt & Sons, 9500 SE 327th Ave, Boring
Royce Belcher, T.H. Belcher Nursery, Inc. 33755 S.E. Bluff Rd. Boring
Carl Buchanan, Northwest Nursery Sales, 8325 SE Altman Rd, Gresham
Jim Ekstrom, Ekstrom and Schmidt Nursery, 3199 SE 302 Ave, Troutdale
Matt Gallant, Gallant Family Farms, 9380 SE 282nd Ave, Boring,
Vladimir Lomen, John Holmlund Nursery, 29285 SE Highway 212, Boring
Dan Nelson, Hans Nelson & Sons, 31020 SE Waybill Rd, Boring
Rod Park, Park’s Nursery, PO Box 1686, Boring

Shawn Nerlson, Surface Nursery, 33740 SE Lusted Rd, Gresham

Organizations in opposition

Multnomah County Farm Bureau
Oregon Association of Nurseries
Oregon Farm Bureau Federation

OAN Board of Directors – Voted to oppose the water treatment plant

Wes Bailey, Smith Gardens, Aurora
Lorne Blackman, Walla Walla Nursery, Enterprise
Tom Brewer, The HC Companies, Tigard
Joe Dula, Moana Nursery, Canby
Gary English, Landsystems Nursery, Bend
Adam Farley, Countryside Nursery, Wilsonville
Ron Kinney, Monrovia, Dayton
Tyler Meskers, Oregon Flowers, Aurora
Jesse Nelson, Hans Nelson & Sons, Boring
Todd Nelson, Bountiful Farms, Woodburn
Patrick Newton, Powell's Nursery, Gaston
Josh and Chris Robinson, Robinson Nursery, Amity
Darcy Ruef, Al's Garden & Home, Gresham
Jay Sanders, KG Farms, Woodburn
Amanda Staehely, Columbia Nursery, Canby
Ben Verhoeven, Peoria Gardens, Albany

Attachments: [Note: Due to the size and complexity of the maps, the Oregon Department of Agriculture submitted the four maps listed via email on August 3, 2023. The OAN will still drop off the maps in person when the Multnomah County offices reopen on Tuesday.]

OAN Map #1 - <https://www.oan.org/resource/resmgr/gr23/OANMap1.pdf>

OAN Map #2 – <https://www.oan.org/resource/resmgr/gr23/OANMap2.pdf>

OAN Map #3 – <https://www.oan.org/resource/resmgr/gr23/oanmap3.pdf>

OAN Map #4 - <https://www.oan.org/resource/resmgr/gr23/OANMap4.pdf>

ODWR Map and list of Oregon Ground Water Restricted Areas

Link to it here: [ODWR Groundwater Limited Areas.pdf](#)



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June 29, 2023

Via Email

Multnomah County Hearings Officer
Multnomah County Community Services, Land Use Planning
1600 SE 190th Avenue
Portland OR 97233-5910

Dear Hearings Officer:

The Oregon Department of Agriculture (ODA) offers the following comments for your consideration in the matter related to proposal by the City of Portland Water Bureau to develop and operate a drinking water filtration facility, communications tower and related transmission pipelines on lands zoned for agricultural use (Case File T3-2022-16220). The filtration plant would be located at the eastern end of SE Carpenter Road with transmission facilities extending through agricultural lands connecting to the Bull Run system.

Background

The proposed facilities would be located amongst and upon lands that are highly suitable for agriculture and have been in agricultural production for decades. Most of the soils contain prime or other high-value agricultural soils. Much of the immediate area contains Class II soils, some of the best agricultural soils in the United States. It is important to note that these capability ratings are regardless of irrigation. The area soils are high quality with or without irrigation.

This area is dominated by the production of nursery/greenhouse products. In terms of production value, nursery and greenhouse production is ranked first amongst all Oregon crops, producing just over \$1.32 billion in 2022. This accounts for about 22% of all Oregon agricultural production value. It is telling that Multnomah County, the most urban county in Oregon, is also the smallest county in land area yet it is ranked as the 5th most productive county in terms of nursery production in the state. Multnomah County maintains all the key elements, including a critical mass of farms, to maintain a viable, thriving nursery and greenhouse industry.

Study Area and Compatibility

When conducting an analysis of the impacts to agriculture on lands zoned for farm use, Oregon land use requirements require that the proposed nonfarm land use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Analysis also requires that the cumulative impacts of the proposed development on area farm or practices be considered.

This is commonly known as the “Farm Impacts Test.”

Before any analysis of the impacts of the proposed development on agriculture on surrounding lands can be conducted, a study area needs to be identified. Recognizing the dominate role that the nursery and greenhouse industry plays in the larger area, we believe that the study area used by the applicant is not adequate. The local nursery and greenhouse industry region, including the subject land, works together in many ways to support the needed critical mass required for the industry to remain viable.

For example, this industry is highly dependent on the movement (shipping and receiving) of their products by tractor-trailer trucks. Most area nursery and greenhouse products are moved to and from area farms towards Interstate Highway 84 and U.S. Highway 26. It is common practice for farmers to share loads with other operators. Two (or more) farms may have product that needs to be shipped to the east coast, but each separately would fill only half a load. Together, the two farms can fill a truck. Without the ability to move product efficiently between farms and ultimately to the major area highways, area farms would face significant increase in costs and decrease the availability of acquiring timely transport.

We would suggest that the “cooperating nature” of the industry and the critical mass needed to support agricultural infrastructure needs requires analysis of a larger area. The study area used by the applicant extends only one-mile to the north and south of the plant site, approximately one and one-half miles to the west and approximately 2-miles to the east. This study area does not recognize the character of nursery and greenhouse operations in the area and their dependance on each other. We believe that a larger area that recognizes the transportation requiremenrs of the industry is needed. An area that includes lands north to I-84, west to the Metro urban growth boundary and south to line the generally runs from Damascus to Sandy would better reflect the transportation needs of area nursery and greenhouse operations.



Perhaps the single largest impact to area agricultural operations will result from the impacts of increased traffic on area roads related to the proposed development. The analysis provided by the applicant focuses on “after construction” impacts. There is no analysis or data provided that relates to impacts created by increased traffic created during the lengthy construction process for a project of this size. Without information related to time-period of construction, the impacts to agriculture in the region cannot be adequately determined. The applicant has not provided the needed information nor met the burden of proof required to address the farm impacts test.

We would also like to address a statement made in the applicant’s farm impacts analysis. In response to area farmers stated concerns about potential impacts to their ability to use farm chemicals, the applicant responds that they will “comply with right to farm laws” and allow farmers to continue to use farm chemicals. It is important to note that Oregon “Right to Farm” (RTF) laws relate to nuisance and trespass situations and the ability of local government to regulate farming practices. RTF does not regulate the lawful application of pesticides. Any analysis of potential impacts to the utilization of chemicals would need to evaluate the common chemicals and application practices utilized by area farmers and the requirements for the use of the identified pesticides established on the label of the subject pesticides. Moreover, putting the burden of farmers to show that RTF laws have been violated creates conflicts among neighbors and creates costs on farmers that the farm impacts test is designed to prevent. The appropriate question should be would the location and operation of the proposed nonfarm land use impose limitations or impact area farm operations related to lawful pesticide use?

Thank you for the opportunity to provide these comments for your consideration.
Please enter our comments into the record of this case.

Respectfully,



James W. Johnson
Land Use and Water Planning Coordinator

CC: Lisa Estrin, Multnomah County Planning
Brenda Bateman, DLCD
Hilary Foote, DLCD
Gordon Howard, DLCD
Laura Kelly, DLCD
Lauren Henderson, ODA





Mailing Address: P.O. Box 1686 Boring, Oregon 97009 Location Address: 9797 SE Revenue Road Boring Oregon 97009 •
Ph. (503) 663-3715
e-mail: rod@parksnursery.com www.parksnursery.com

June 29th, 2023

To: Hearings Officer for Multnomah County.

Re: City of Portland's proposed Water Treatment Plant (Case File T3-2022-16220)

My name is Rod Park. My farm is located at 9797 SE Revenue Road Boring, OR 97009. I am a 3rd generation farmer in the eastern portion of the Metro region. I am currently growing nursery plants in Clackamas County, south and west of the proposed water treatment plant.

I will prefix my remarks with some of my background. I am a past president of the Oregon Association of Nurseries, a former Chair of the Oregon Board of Agriculture and I served 12 years as a Metro Councilor, representing the 250,000 citizens in the eastern portion of the region. As a Metro Councilor I also chaired the region's transportation committee, JPACT. Those experiences have informed and colored my opinions of Oregon and its unique protection of farmland, the building of vibrant communities and how transportation is interwoven into the rural and urban landscape.

Our farm was established in east Multnomah County in 1952. The land was annexed to Gresham after the first urban growth boundary was established in late 1978. My family farmed for many years at this location, surrounded by other farms until urbanization of those farms made relocating to a rural location in Clackamas County a better option. I have seen and experienced the good, the bad and the ugly of our land use system. The good is the protection of farm and forest lands while at the same time promoting vibrant communities within the urban growth boundary. The bad is the land that sometimes needs to be converted from rural uses to urban ones or capacity underutilized within the UGB. The ugly is to see how some pervert our land use system to their advantage.

Park's Nursery produces high quality, mature nursery plants. These are exported to Washington, Idaho, Michigan, Colorado, New Jersey, Washington D.C., Georgia, Canada and many more. We, and the nursery industry, are part of the traded sector, a net importer of dollars into Oregon's economy. With my recent move and "right sizing" of my operation from two to one location, I currently have five employees. We are small but we have an influence due to the quality of the products we export. My employees work eight hours a day, five to six days a week. We sometimes work longer hours as weather conditions or shipping necessitates.

I have several concerns regarding the proposed water treatment plant. I am not directly impacted by the pipeline running through my property nor am I adjacent to the proposed facility, so most of my concerns are around the traffic impacts on my farming operations, others, and the support facilities for us all.

The September 2022 Compatibility of Proposed Portland Water Bureau Filtration Facility & Pipeline Operations with Surrounding Agriculture report is flawed because it concludes little impact from traffic on farmlands and farm operations from traffic impacts. This report appears to depend upon the analysis

by Global Transportation Engineering dated September 2nd, 2022, Portland Water Bureau Bull Run Filtration Project Analysis.

The Global Transportation Engineering Memorandum dated September 2, 2022, regarding the Portland Water Bureau Bull Run Filtration Project Analysis, is for the operational impacts of the water treatment plant only.

The Global Transportation Engineering study does not address construction traffic for the approximately five years of construction. The removal of one million plus yards of soil, the trucking in of unknown amounts of gravel, concrete and other building supplies, etc. is not addressed. The routing nor the number of trips this will generate during the construction of the proposed facility is not addressed.

The scope of the study reflected by the map (Exhibit A.31 pg.2) does not geographically represent the farm community of this area for either the construction or operations of the proposed facility. By not having a larger representative scope, the traffic impacts to the farmlands in the community are not evaluated as required. (Farm Impact Test) The traffic to the proposed site does not just appear at the edge of the map referenced, then just disappears when leaving. The western boundary should be at least to the eastern edge of the Metro UGB. The northern boundary should be I-84. The eastern boundary to the Sandy River to the City of Sandy. The southern boundary should be across Hwy 26 to Kelso Road to Boring/Damascus. These boundaries are representative of the farmlands and farming community which should be studied for the traffic generated from construction and operations.

Not including Clackamas County in the study does not provide a full disclosure of traffic impacts and consequences. As I stated earlier, traffic does not stop at map lines, nor does it stop at county lines, nor at the UGB.

The applicant's traffic routing and studies also assume Clackamas County will grant access to SE Bluff Road, south of the water plant. If Clackamas County does not grant access, how will traffic be routed and what will be that impact? The access at SE Bluff Road needs to be addressed as part of this application as it is a critical assumption.

"Secondary traffic" farm impacts from those seeking routes to avoid construction vehicles and later the operational vehicles, needs to be addressed as well. Traffic will seek alternative routes, potentially through farmlands.

I do know from experience; traffic does negatively impact farming operations such as:

- Trucks, tractors, and other farm equipment movements from location to location.
- Employees in both their ability to get to and from work along with other movements as needed between farm locations.
- The delay in deliveries of supplies such as fertilizers, sawdust, bark dust, harvesting supplies, etc. due to road closures and traffic congestion.
- Land impacts from the use of herbicides, pesticides, liming and fertilizing of fields due to increased interaction with traffic and the need for additional buffer setbacks to avoid potential conflicts.
- The movement of plant materials from various locations for lining out and transplanting along with transporting harvested material to the dock facilities.

The Oregon nursery industry is very far from our markets as most of our products are shipped east of the Mississippi River. Transportation costs are of prime concern to our clients. We try to overcome this obstacle by cooperative shipping of our plant materials. A semi-truck is often loaded by multiple

nurseries for delivery to either one client or to multiple clients. As such a semi-truck may need to cross the region multiple times and if delayed, creates increased shipping and labor costs. There is the very real danger we will lose clients and markets if they can obtain the similar plants from other parts of the country closer to the market. Fortunately, Oregon's superior plant products has so far been able to maintain our clients and markets.

I mentioned earlier there is an ugly part of our land use system. Those that would pervert uses to their advantage be it for cost reduction or political expediency. Rural lands, be it farms or forests, have less dollar value than those lands within the urban growth boundary precisely because they cannot have urban development. The Portland Water Treatment Plant comes with no political consequences to Portland's elected leaders as not one of the rural citizens of Multnomah or Clackamas County can vote for or against them. Nor can we start a referendum in Portland as we do not have standing.

Placing an urban facility to support urban uses in a rural area, especially one specifically designated as a rural reserve by the Multnomah County Commission, is a perversion of the principles of Oregon's land use laws. The only exception is if no alternative sites are available. The City of Portland has not demonstrated that need as no alternatives analysis as outlined by the state was not conducted to my knowledge.

Urban facilities should be located within urban growth boundaries as they serve an urban, not a rural community. This is one of the guiding principles of Oregon land use goals.

Sincerely,



Rod Park



June 30, 2022

By electronic mail

Multnomah County Hearings Officer
 Multnomah County Community Services, Land Use Planning
 1600 SE 190 Ave
 Portland, OR 97233
 LUP-Hearings@multco.us

Re: Application for drinking water filtration facility at 35319 SE Carpenter Lane, Gresham, and related pipelines, Case File T3-2022-16220, Applicant Bonita Oswald, Portland Water Bureau

On behalf of 1000 Friends of Oregon, please accept the following statement for the record in the proceedings for T3-2022-16220, described above. Please include me in any subsequent notice related to proceedings in this matter and any notice of decision. Communication by email is preferred at andrew@friends.org, and my mailing address is 1000 Friends of Oregon, PO Box 40367, Portland, OR 97240.

MCC 39.7515(C)

Many area farmers and nursery operators as well as the Oregon Department of Agriculture have described how the applicant's proposal, especially its construction, but also its operation, will affect their farm operations. The testimony describes how the construction required to establish the use will "force a significant change in accepted farm... practices on surrounding lands" and "significantly increase the cost" of those practices on those lands. MCC 39.7515(C); *see also* ORS 215.296. The immediate area around the facility and its proposed pipelines (the "facility") is characterized by small farm roads, which are not designed to handle the proposed construction required and also facilitate the customary traffic required by the areas' farm and nursery operations. The extent and duration of construction, which includes road closures, will result in significant changes and significant increases in costs of doing business. For some nurseries, this includes a loss of customers.

As far as 1000 Friends can determine, the applicant has failed to address these issues and the county has not proposed conditions of approval that would ensure that farm operations can continue without significant changes or costs to area growers. Unsupported assertions by the applicant that impacts will be addressed are not substantial evidence. It is unclear how exactly



the applicant proposes to maintain farm and field access during full and partial road closures, what kinds of delays will be imposed on that access, or the total duration of these closures.

MCC 39.7515(A), (D)

The proposal's impacts to area farms demonstrates why the proposed use is not "consistent with the character of the area" and the off-site construction demonstrates that the proposal "requires public services other than those existing or programmed for the area." MCC 39.7515(A), (D). First, the proposal is nothing like the surrounding agricultural and residential uses. The applicant's and staff's analysis fails to address relevant differences. One of the main differences between the applicant's proposal and area farm uses is that the facilities on the subject property on Carpenter lane require a host of off-site construction for pipelines and access roadways. These are not consistent with the character other uses in the area.

The fact that the proposed use will result in significant disruption to the local roadways demonstrates that it is not "consistent with the character of the area." The local network of roadways that serve area farms and residents are not constructed to accommodate a facility of this scale while also ensuring adequate access for the area's farms. As demonstrated by the requirement to fully close roadways, the local transportation facilities were not designed to facilitate access required for farm uses and facilitate extended construction required to build the pipelines required for the treatment facility.

Although area farm uses have large structures and greenhouses, the construction required to establish those uses is significantly less than what the applicant proposes. *See* Staff Report at 47 (MCC "states that the terms 'development' and 'use' are synonymous," which means "the act of improving land is part of the use."). The surrounding farm uses and their buildings do not require large amounts of earthmoving for berms and treatment ponds. They also do not require pipelines to be buried across neighboring properties and in roadways. The applicant's facility is akin to an industrial use, requiring specialized equipment, off-site facility development and upgrades, and corporate style office buildings that more closely resembles manufacturing facility or chemical plant than the greenhouses and equipment storage buildings that are found on nearby farm operations. Simply put, although nurseries and area farms may construct large greenhouses, those farm operations do not require extensive off-site infrastructure, require construction that "will take significantly more time than the average construction project within the county's jurisdiction," or result in pipelines that block access to area roadways for long periods of time. In comparison, construction for the existing farm uses in the area is minimal and does not interfere with nearby uses. These differences demonstrate that the applicant's proposed use is not



consistent with the character of the area, which does not currently include this scale of industrial/utility use.

The actual treatment facility on the subject property on Carpenter lane violates MCC 39.7515(D). In order to function, the facility requires “public services other than those existing or programmed for the area.” The treatment facility requires the extension of public services, which include the pipelines and emergency access road. As far as 1000 Friends can determine, the applicant has not demonstrated that these pipelines, roadway closures, roadway improvements, or the filtration facility itself appear in the requisite county facility and transportation plans or are otherwise “programed” for the area. *See* Goals 11 and 12, OAR 660-011 (explaining that water systems such as the pipelines and treatment system proposed are public facilities and requiring inclusion in adopted facility plan), OAR 660-012. The staff report’s fails to determine whether or how the applicant’s proposed facilities have been programmed for the area or evaluate the relevant Portland, Metro, or County facility and transportation plans.

MCC 39.7515(G) and County Comprehensive Plan

The Portland Water Bureau has failed to comply with MCC 39.7520 and 39.7515(G), which require the applicant demonstrate that the proposal “will satisfy the applicable polices of the Comprehensive Plan.” In this case, the proposed facility, including its pipelines, and associated construction, fail to comply with policies 3.14, 3.15, 3.16, 11.1, 11.2, 11.3, and 11.10.

The applicant’s proposal fails to comply with policies 3.14 and 3.15. The applicant fails to demonstrate that the facilities and pipelines are “compatible with exclusive farm use areas” given the level of disruption required to the surrounding agricultural operations. Policy 3.14. For similar reasons, the applicant fails to provide measures that “protect farm land from adverse impacts.” Policy 3.15. As explained above, the project will adversely impact nearby farm land and farm operations. The applicant fails to provide conditions of approval that protect farm land from the impacts or ensure protection of farm land should the applicant’s assumptions regarding impacts from road closures, dust, and levels of chemicals that could be introduced to the water, environment, and bystanders prove to be incorrect.

For example, the applicant fails to establish that “equivalent safe distances,” which the EPA developed to determine the safe distance for exposure to bystanders, applies equally to chemical exposure of water in a water treatment facility. There is also the possibility that EPA standards for chemical concentrations in water could change. Even accepted farming practices that are designed to protect humans and the environment, could still result conflicts with a water



treatment facility. Those conflicts—to the extent that they change farming practices or impose liability on farmers—could result in adverse impacts.

Both the farm impacts test at MCC 39.7515(C) and Policy 3.15 require the applicant to bear the risk of ensuring that farm practices and farm land are protected from adverse impacts. *See e.g.* ORS 215.296(3) (providing a process for farmers to obtain ongoing enforcement of measures intended to prevent significant impacts). Policies like the farm impacts test and Policies 3.14 and 3.15 ensure that the non-farm use, not farmers, bears the risk of impacts into the future. The applicant proposes no conditions of approval that ensure that farm land and the continued ability to farm remains protected, should the applicant’s assumptions about road closures, dust, pesticide drift, water quality standards, and bystander impacts not hold true. By failing to provide conditions of approval the place the burden on the applicant—as opposed to area farmers—to ensure that accepted farm practices and farm land are not adversely affected by the utility facility, the applicant fails to demonstrate compliance with policies 3.14 and 3.15.

The applicant and staff fail to comply with Policy 3.16, which applies to the applicant’s proposed use. The water treatment facility may be part of a utility, but that utility is also a business. Just like any other business, the applicant provides a service to paying customers. In this case, the proposed facilities are not “limited in scale and type to service the needs of the local rural area.” Policy 3.16. Instead the facility is designed to primarily if not entirely serve Portland area residents, inside the urban growth boundary. The scale of the applicant’s facility is too large and not sufficiently limited to comply with Policy 3.16.

The applicant’s proposal also violates policies 11.1, 11.2, and 11.3. By locating a treatment facility that primarily, if not nearly entirely, serves urban residents and customers on rural land outside the UGB, the county’s decision fails to “ensure a timely and efficient arrangement of public facilities and services that serves as a framework for appropriate levels of development of land within the County’s jurisdiction.” Policy 11.1. The facility’s location outside of the UGB is not efficient, nor is the scale appropriate for levels of development within the county’s jurisdiction.

The applicant fails to demonstrate that the proposed facility has been developed within or otherwise implements the county’s public services and facilities plans. Policy 11.2. The applicant’s proposal does not appear to be the result of the coordination that results in the “provision of appropriate types and levels of public facilities.” *Id.* (11.2.1, 11.2.2). The applicant also fails to demonstrate that the facility “adequate” for “existing uses.” Instead of being “adequate,” the facility is oversized and serves uses outside the county’s jurisdiction. *Id.* (11.2.3). Next, the applicant’s proposal does not protect “rural areas.” *Id.* (11.2.4). Instead the



proposal would take up valuable and viable farm land for the purpose of serving users inside the UGB.

The proposal violates policy 11.3 because the county would approve a public facility and services that are not “appropriate to the needs of rural areas” and which fail to “avoid[] adverse impacts to farm... practices.” 1000 Friends and other commenters have already explained the facility’s adverse impacts to farming. The facility is designed to meet the needs of urban, not rural areas, and is oversized to meet the needs of the surrounding community. For that reason, the facility is not “appropriate to the needs of rural areas.” Policy 11.3.

Finally, the applicant’s proposal violates Policy 11.10. The project is designed and intended “solely” to “serve uses within the urban growth boundary.” By locating the facility’s storage tanks and reservoirs “outside the urban growth boundary,” the project fails to comply with Policy 11.10. The applicant does not demonstrate “that there is no practical alternative site within the urban growth boundary that can reasonably accommodate the use.” Policy 11.10. The fact that the system may serve the local water district does not demonstrate that the project’s intent is to do anything other than serve urban residents. Moreover, the relative service provided to the local districts is *de minimus* when compared to the scale of the service provided inside to customers inside the UGB. If the facility were located at alternate proposed locations, it is not clear that it would serve the Pleasant Home or Lusted Water Districts. The fact that the proposed system will provide some service to two local districts appears to be an artifact of the site selection, not the intent of the system.

ORS 215.275

The facility fails to meet the criteria in ORS 215.283(1)(c)(A) and ORS 215.275. For the purpose of complying with ORS 215.275, the applicant cannot separate the treatment facility from the pipelines required to connect the facility to the existing water system. The treatment facility and its pipes are a single facility because the pipelines are required to connect the treatment part of the facility to the larger water system. For that reason, the proposed facility is located on both EFU and MUA-20 land. The applicant must consider alternatives in which the entire facility can be located outside of EFU designated lands.

In this case, the applicant’s analysis of alternative pipeline routes is not sufficient and fails to comply with the alternatives analysis required by ORS 215.275. There are other alternatives in which the facility would not be located on EFU land at all and would not require any pipes to cross EFU land in order to connect to the existing water system. For that reason, the applicant has not shown that the facility “must be sited in an exclusive farm use zone” due to the factors



outlined in ORS 215.275(2). *See also* ORS 215.275(3). The applicant's initial analysis of alternative sites showed that locations within the UGB exist, are available, are technically feasible, meet the project's locational requirements, and comply with public health and safety concerns. The applicant's proposal violates ORS 215.275.

For those reasons, 1000 Friends requests that the Hearings Official deny the applicant's request.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Mulkey", is positioned above the typed name.

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1000 Friends of Oregon is a non-profit organization founded by Governor Tom McCall shortly after the Legislature passed Senate Bill 100, which created the land use planning rules that shape Oregon's communities. Since its founding in 1975, 1000 Friends has served Oregon by defending Oregon's land use system—a system of rules that creates livable communities, protects family farms and forestlands, and conserves the natural resources and scenic areas that make Oregon such an extraordinary place to live. 1000 Friends accomplishes this mission by monitoring local and statewide land use issues, enforcing state land use laws, and working with state agencies and the Legislature to uphold the integrity of the land use system.