



## Board of Directors Meeting Agenda

East Multnomah Soil and Water Conservation District

Monday, November 4, 2024, 6:00 – 8:00 PM

To be held at EMSWCD Office (5211 N Williams Ave. Portland, OR 97217) or

Join online via GoToMeetings (paused 6:20pm - 7:00pm): <https://meet.goto.com/EastMultSWCD/boardmeeting>

or call in: United States (toll free):+1 (571) 317-3116 Access Code:578-282-301

### **AGENDA**

| Item #                   | Time                  | Board Meeting Agenda Item                                                                                                                                                                                                                      | Purpose                         | Presenter            | Packet                                                       |
|--------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------|--------------------------------------------------------------|
| 1                        | <b>6:00</b><br>5 min  | <b>Welcome and meeting called to order:</b> <ul style="list-style-type: none"><li>• Introductions</li><li>• Review/revise agenda.</li><li>• Review previous action items</li><li>• Review/approve October 2024 Board Meeting Minutes</li></ul> | Information/<br><b>Decision</b> | Zimmer- Stucky       | a) 10/7/24 Board Meeting Minutes                             |
| 2                        | <b>6:05</b><br>5 min  | Time reserved for public comment and introductions <sup>1</sup>                                                                                                                                                                                | Information                     | Public               | N/A                                                          |
| <b>DISTRICT BUSINESS</b> |                       |                                                                                                                                                                                                                                                |                                 |                      |                                                              |
| 3                        | <b>6:10</b><br>15 min | <b>Leadership Team Monthly Update</b>                                                                                                                                                                                                          | Information                     | Leadership Team      | a) Leadership Team Updates                                   |
| 4                        | <b>6:25</b><br>10 min | <b>Personnel Committee Recommendations</b>                                                                                                                                                                                                     | <b>Decision</b>                 | Masterson/<br>Beamer | a) Employee Handbook<br>b) ED Performance Evaluation Process |
| 5                        | <b>6:35</b><br>70 min | <b>Headwaters Farm Weeds Assessment Update</b>                                                                                                                                                                                                 | Discussion                      | Steele/Aron          | a) HWF Field Management Memo<br>b) HWF Field Management Map  |
| <b>BOARD DISCUSSION</b>  |                       |                                                                                                                                                                                                                                                |                                 |                      |                                                              |
| 6                        | <b>7:45</b><br>10 min | <b>Board Discussion</b>                                                                                                                                                                                                                        | Discussion                      | Board of Directors   | N/A                                                          |
| <b>CLOSING ITEMS</b>     |                       |                                                                                                                                                                                                                                                |                                 |                      |                                                              |
| 7                        | <b>7:55</b><br>5 min  | <ul style="list-style-type: none"><li>• Announcements and reminders</li><li>• Action items</li><li>• Adjourn meeting</li></ul>                                                                                                                 | Information                     | Zimmer-Stucky        | N/A                                                          |

<sup>1</sup> 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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**EMSWCD Board Members, Committees and Meeting Dates**

| EMSWCD Board          |                       |            | EMSWCD Committees |                       |                     |
|-----------------------|-----------------------|------------|-------------------|-----------------------|---------------------|
| Members               | Positions             | Officers   | Budget            | Land Legacy           | Personnel           |
| 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                   |
| Jim Carlson           | Director - At-Large 1 | Treasurer  | X                 | X                     | X                   |
| Jasmine Zimmer-Stucky | Director - At-Large 2 | Chair      | X                 | X                     | X                   |
| Upcoming Schedule     |                       | Board      | Budget            | Land Legacy Committee | Personnel Committee |
| FY24-25               | 2024                  | July       | 1                 | 22                    | 15                  |
|                       |                       | August     | 5                 |                       |                     |
|                       |                       | September  | 4                 | 23                    |                     |
|                       |                       | October    | 7                 |                       | 21                  |
|                       |                       | November   | 4                 | 25                    |                     |
|                       |                       | December   | 2                 |                       |                     |
|                       | 2025                  | January    | 6                 | 27                    | 20                  |
|                       |                       | February   | 3                 |                       |                     |
|                       |                       | March      | 3                 | 24                    |                     |
|                       |                       | April      | 7                 |                       | 21                  |
|                       |                       | May        | 5                 | 26                    |                     |
|                       |                       | June       | 2                 |                       |                     |

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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.

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

Monday, October 7, 2024

**6:01pm- Call to Order**

**Zimmer-Stucky** called to order the regular meeting of the EMSWCD Board of Directors at 6:01pm on Monday, October 7<sup>th</sup>, 2024, at the EMSWCD Office in North Portland.

**6:01pm- 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:** Kelley Beamer (Executive Director), Dan Mitten (Chief of Finance & Operations), Heather Nelson Kent (Community Outreach & Engagement Program Supervisor), Julie DiLeone (Rural Lands Program Supervisor), Kathy Shearin (Urban Lands Program Supervisor), Jeremy Baker (Senior Rural Conservationist), Asianna Fernandez (Executive Assistant)

**Guests:** Daniel Newberry (Johnson Creek Watershed Council), Al Hrynshyn (SWCC/OACD), Kim Galland (NRCS)

**Changes to the agenda:** Move Item 8 to before Item 3.

**Previous Action Items:**

- **Fernandez** to send the Portland Tree Code comment and the public comment evaluation matrix to the Board. - Done
- **Fernandez** to scan Rossi's report and send it to the Board. -Done
- **Staff** to work on getting Rossi tech support to log back into his District email. -Done

**6:02pm- Review/Approve September 2024 Board Meeting Minutes**

**Motion:** Guebert moved to approve the September 4, 2024, Board Meeting Minutes. Rossi 2<sup>nd</sup>. Motion passed unanimously (4-0, Masterson absent).

**6:05pm – Masterson** joined the meeting.

**6:05pm- Public Comment:**

**Newberry**, Executive Director of the Johnson Creek Watershed Council, shared some of the work they've been able to do with funding from and partnership with EMSWCD:

- Removed two Dams on the Centennial School District's property that were blocking fish passage and creating a very warm lake to the stream. Includes environmental DNA testing on the site. – partially funded by EMSWCD
- Remove all seven fish barriers from EMSWCD's Headwaters Farm (HWF) Property
- Will be removing the next and final culvert that they've found leading to HWF, meaning the farm should start to see Salmon and Steelhead on our property by next year!
- Trinity Lutheran Church Green Infrastructure project – partially funded by EMSWCD.

**6:10pm- Monthly Financial Reports – August 2024**

**Mitten** The FY 24-25 Budget has been put into QuickBooks. The balance sheet for August is much in line with the month's prior. As of August 31<sup>st</sup>, our Assets and Liabilities are at \$18.5 mill, which is a 4.5% increase from the year prior at this date. Property Tax Receivables and Accounts Receivables look healthy

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as far as assets. Not a lot of outstanding Liabilities. For P&L by Budget Performance, there's not a lot of change. Refunds, rebates, and reimbursements are at \$15,000 when we projected \$18,000, primarily due to miscellaneous refunds and unused grants funds that get sent back. The percent of budget variances are all within acceptable margins and on track. Advertising is shown to be \$7,131, versus the monthly budget at \$4,100. The variance has to do with advertising for our new Urban Lands position. Program supplies are slightly over year-to-date, mostly due to HWF cover crops, but it's still on track for the year. P&L by budget performance looks great. P&L by class, July and August, shows that all programs are within the norm for this time of year.

#### **6:15pm- FY 24-25 Q1 Work Plan Report**

**Beamer** This is the first time we have presented a report that relates back to the District-wide Plan that the Board approved of in July. The report shows the work we are accomplishing in each program, quantitatively and qualitatively. Everything in the Executive Summary feeds into the three pillars that the Board approved for the Five-Year Strategic Plan: soil and water health, climate action, and equity. She then shared a few highlights from Quarter 1.

**Al Hrynshyn** arrived at 6:18pm.

**Guebert** This does seem like the right level of information for the quarterly reports.

**Shearin** shared a few highlights from the Urban Lands Program's Quarter 1. The District's partnership with Voz and the Day Laborers Association included incorporating an education component to the day laborers' daily work. Recently, in partnership with Portland Parks, they've been working with Native Gathering Gardens, doing work on their site and learning about Indigenous practices and native plants from the Indigenous community.

**Guebert** How much participation does this usually get?

**Shearin** They work in cohorts, so we're usually working with 6-8 day laborers at a time. We've also worked with them on projects at June Key Delta and Nadaka park too. It's a cool interaction as they bring a certain knowledge to the work site, we bring a different kind of knowledge to them, and there's language learning on both sides.

**Zimmer-Stucky** Any news on the Plant Sale roster for this upcoming year? She remembers that after last year's sale, the Urban Lands team was thinking about adding climate adaptive plants to the list.

**Shearin** We're still looking into that as well as who to add to our focused marketing. We might go into partnership with another organization so that those who are interested in purchasing a large amount of trees can do so at the same cost, but not limit our sale.

**Guebert** Any updates on the MHCC dam removal project since our last meeting?

**Shearin** We got the Resource Legacy funds, \$45,000, and they unofficially approved an additional \$200,000. We're still short \$100,000, so we're still shopping around for another grant to apply to.

**DiLeone** first shared that the culvert removal project on the North fork of Johnson Creek that Newberry talked about in his public comment is delayed until next season because Multnomah County Planning could not permit the project in time for the in-water work period.

**DiLeone** then shared a few highlights from the Rural Lands Program, Land Legacy Program (LLP), and the Headwaters Farm Business Incubator Program (HIP) for Quarter 1. We had one staff person on leave, so we were not able to do the outreach to enroll new landowners in the StreamCare program this quarter. All the maintenance will still be done but in the staff member's absence, one of the crews we contract with was able to take on some project management and continue their weed control work on those sites. We'll be ready for replanting soon, but we won't have any new sites this year. This also means our monthly water quality monitoring is on hold for now, but we may look at not continuing that in the future, due to lack of capacity. Additionally, the HIP Open House for new applicants went well and we're working on preparing and planting cover crops at HWF. We hosted an online info session for the Big Creek

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property, for about 30 attendees, so we'll continue doing this for other properties going forward. There are three CLIP projects in the works. The Eat n Greet is planned for November 1<sup>st</sup>, and the Board is welcome to join.

**Kent** shared a few highlights from the Community Outreach and Engagement Program's Quarter 1.

**Zimmer-Stucky** With two great marketing plans for HIP and LLP in the works, is there a timeline for other programs in the District to get similar comprehensive marketing plans?

**Kent** We do have a comprehensive communications plan for the whole District. The next plans we're working on are for our workshops, one program at a time, since they're both so different and so are their audiences.

**Guebert** Any updates on the website redesign?

**Kent** reminded the Board that the District awarded Hoopla Creative the contract for the redesign. Our internal project team consists of herself, Beamer, Mitten, White-Brainard, and Woolery. The team worked with the contractor recently to come up with recommendations for the architecture of the new site. CO&E is also working on a consistent copy-editing style guide for the entire District, and refreshing some of the design style guide, all with the same consultant.

**Kent** shared a highlight from the Grants Program's Quarter 1. She shared the list of grantees for the Partners In Conservation (PIC) Grants and what kinds of work they're doing. It's always amazing to see what people can do with the \$2,500 Special Projects And Community Events (SPACE) grants. Applicant demand for SPACE grants has been pretty steady.

**Mitten** shared a few highlights from the Finance and Operations Program's Quarter 1. The FY 23-24 budget year is closed. Shortly thereafter, the auditor sent their audit prep list and requests for various tests, receipts, processes, and schedules for analysis. This has been a great way for us to learn about our own processes and where we can make improvements. He recently mentioned identifying some underspending trends over the last several years. He has been compiling some reports that reflect the last three years of budget versus actual expenditures, for each object line within each program in the General Fund, in order to start understanding more about those trends to be more efficient with the budget going forward. F&O has also been working on the website redesign and are still working on further implementation of the CRM. We've also been working on simplifying technology uses for staff and started looking into the District's possible use of AI. More research and information will be shared on that as it develops.

**Zimmer-Stucky** Will all staff be using the CRM, or how is that being implemented?

**Mitten** There are currently seven staff (planning team) who are able to log in and use it, and the remaining Leadership Team (Mitten & Kent already have logins) and two additional staff members will be the next ones to onboard. This is a multi-year integration process, our next steps are Outlook (email) integration, events & workshop integration, additional data uploads, and other day-to-day contact uses.

**Guebert** congratulated the team on the office renovations.

#### **6:52pm- 2025 PIC Grant Process**

**Kent** proposed some refinement and changes to the PIC process before launching it for the 2025 process. The proposed changes are significant for specific partners, and line up with the trends within grant making, like the movement towards trust-based granting, which removes some power dynamics. For partners who continue to come back to us each year with the same program funding request, it's a lot of work for them to jump through the same hoops, especially since they always end up scoring so high in the decision process by being strategic. The PIC grant program hasn't changed too much over the years, but these organizations have kept up with us when it has. With this change, some of those organizations would get to pass the applications, but due to this, they won't officially get their funding until the end of the process. This idea is open for discussion though. Right now, we don't have any money officially

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approved for the 2025 cycle, so we are waiting to let these organizations know about this change until then. The organizations would be awarded the funding as part of the full process, but these specific entities wouldn't need to submit a new application, as they're recommended funding by staff instead. We've identified six organizations who meet the proposed criteria: their goals and activities strongly meet our program mission and goals, they've been awarded at least three PIC grants within the last five years for the same project/program, they must be in good standing in terms of performance and have a demonstrated project need. Submission of this information would be through a documented conversation with or a letter to Kent, the Grants supervisor. If we were to fund them at a similar level to what they've requested in the past, that would be about 25% of the total PIC funding, based on last year's budget. We would reevaluate the organizations each year, and to see if anyone else could qualify instead or as well.

**Zimmer-Stucky** This incentivizes the organizations to align their proposed projects to the level of caring for soil and water health that's mentioned in our strategic plan.

**Guebert** Do we put a cap on it? How do we ensure that new grantees don't get overlooked as well?

**Kent** 25% seems like a good cap for now. Last year, 14 of the 26 grantees were new to PIC. Right now, we're getting new organizations their grants, which is due to the Board authorizing more funds for the program, getting extra funds from the People's Garden initiative, and recently reducing the max amount that grantees can receive.

**Guebert** Secured funding is huge! This idea makes a lot of sense. It seems very similar to the agreements we have with the Watershed Councils.

**Beamer** This cohort of the PIC grants is mostly for those who use the funding on programmatic work instead of projects, so it's helping institutionalize ongoing work that assists us in our own mission.

**Masterson** If these funds are going to be allocated ahead of time, where would it come from? Are we assuming that this will require additional funds to be allocated to the PIC program? Is this to be done instead of other grants programs that we've funded previously? If we do keep the total PIC program allocation the same, then some other new grant applications don't get funded.

**Kent** The formal approval would begin at the normal PIC approval process start time, in April.

**Mitten** This can be addressed as it's during the middle of the Budget cycle. The Board can make decisions about how the budget looks at that time during Budget Committee meetings.

**Beamer** There aren't any implications that the overall PIC grant amount will be more or less, but it's just assuming that a few particular grant recipients would be in a cohort of the program. This is only about the process for now, instead of the money.

**Zimmer-Stucky** These organizations are consistently funded each year anyways since they're often scored so highly on the scale. The remainder of the PIC pool is going to remain about the same. Being in the process last year, it was clear that there were a few organizations whose applications were consistently highly outstanding.

**Zimmer-Stucky** asked Kent to ensure that this change gets evaluated in two years, with feedback from the review committee as well.

**Kent** There are also some administrative changes, but with the PIC grant policy updates, we agreed to bring policy concerns to the Board if necessary, and to ensure that they were clear to the Board. This year, we asked about a legal review for third-party identification for contractors, which was a big thing to bear for the grantees and for us, as Kent had to decide which contractors needed to be identified further. Mitten helped her speak to the legal team, who agreed that it's not that necessary to keep up with, so that was removed for this upcoming year. Right now, grantees can request up front funding for 30% of their award, but she's recommending updating that to 50% of their grant up front, with an understanding that they can then request more once they've documented the use of that 50%. She's not suggesting a change to the 1-to-1 match requirement at this time, but she's going to remind grantees that it is only a 1-to-1 requirement, as over-matching is what most grantees are used to doing to get ahead of the rest of the applicants.

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**Motion:** Guebert moved to approve the proposed streamline PIC pathway with a two-year review, as presented. Carlson 2<sup>nd</sup>. Motion passed unanimously (4-0, Masterson unidentified)

**Motion:** Guebert moved to approve the changes to the contract and payment requirements for the PIC grant program as presented. Carlson 2<sup>nd</sup>. Motion passed unanimously (4-0, Masterson unidentified)

**Kent** The timeline and process: Launching the application process on October 15<sup>th</sup> and closing on December 17<sup>th</sup>. The review process is within February and March with the review committee, she'll present the awardees to the Board in April and make the funding available on June 1, 2025. She's close to having a grant review committee, and encouraged the Board to let their contacts know.

#### **7:19pm-Nestwood Grant Agreement Change – Property Line Adjustment**

**Shipkey** in 2022, Columbia Land Trust closed out the protection of the 825-acre Nestwood property. At that time, there was an approach with a Christmas tree farm, which they worked on resolving after closing. They've now reached a resolution to the issue, resulting in a large net conservation gain. The encroacher will receive about eight acres, low habitat value, and the Nestwood property will grow with 37 acres of high habitat forest land, funded by the former owner. The Land Trust grant restricted this land from going to anyone else, so we need to amend the grant restriction for this transaction to process.

**Zimmer-Stucky** Did the encroachment of the Christmas tree farm not show up in earlier surveys by the former owner?

**Shipkey** No, but it did show up prior to closing on the property, and it was part of the Land Trust's due diligence, which they let us know would take time.

**Motion:** Guebert moved to approve Resolution 2024-10-01. Carlson 2<sup>nd</sup>. Motion passed unanimously (4-0, Masterson unidentified)

#### **7:22pm- EPA Community Change Grant**

**Beamer** received a call from 1000 Friends and EcoTrust, who are coming together to apply for Federal funding from EPA's Community Change grants, funded through the Administration's Bipartisan Infrastructure bill. The program is that's being to address environmental and climate challenges in local communities through building capacity. This project will encompass all of East Multnomah County, and the goal is to build human capacity through programs like the Land Use Leadership Initiative (previous PIC grantee), an environmental justice summit, and an East County climate action group. They've asked the District to be a supporting partner. The proposal would include funding for EMSWCD (a little under \$50,000 per year) over a 3-year period. It shows how our trusted community partners are leaning on us and thinking about unique ways to focus on our district. They should know about approval by December.

**Zimmer-Stucky** supports this and sees this as another way of us acting on our strategic plan.

**Guebert** When would the project start?

**Beamer** April and May 2025. Should it be awarded, staff will come to the Board with a budget amendment.

#### **7:28 pm- CLIP Project Approval – Fiddlehead Farm**

**Baker** This is our first rainwater harvesting project. Fiddlehead Farm is a woman owned and operated farm, growing over 200 varieties of Fall and Winter vegetables. The main issue is that they are on Corbett water, a municipal water system, and they've had issues with the flow of water, with landslides, and water shut offs, etc. So, there's a practical nature of putting together a source of water for their farm use.

**Guebert** In Corbett, there's been a lot of main breaks, and they just installed a new waterline near his house, and they forgot to hook his and a few other homes to the line and are now having difficulty resolving that. He's always had a problem with rain harvest in this climate, and to fill 50,000 gallons at current Corbett water rates is about \$300, but he still supports this project.

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**Baker** This is the cost for doing business for the work right now. As more people buy in, the easier it'll be. He asked the contractor why they're not going for larger tanks? They said the tanks are locally made, so they don't have the capacity to make larger bins, but it cuts down on the need for transportation and other factors. The Rain Harvesting Oregon company is a newer company, but they'll be able to properly hook everything up for the farm.

**Masterson** NRCS often runs a similar program, or they pay for tanks, so how are we thinking about that partnership? We should be careful not to do the same work that NRCS is doing.

**Baker** Fiddlehead Farms has been applying and waiting a really long time for this, and for some reason their applications through NRCS continue not to go through. There is a priority for harvesting rainwater, but NRCS's processes are different than ours. If they had a process already, they'd just be doing that, but the farmers aren't able to wait much longer.

**Galland** You wouldn't be doing the same as NRCS is, it would be at least another year before we could fund this kind of project, as it's only available during the organic initiative, and while we've been trying to place Fiddlehead in the ranking for it, it's geared more towards water quality and soil health than rainwater harvesting. It's been rough seeing their project fall to the bottom every year.

**Motion:** Carlson moved to approve the pending CLIP grant for a rainwater harvesting system on Fiddlehead Farm, not to exceed \$63,000. Guebert 2<sup>nd</sup>. Motion passed unanimously (5-0)

#### **7:39pm- Portland Prosper – Urban Renewal Projects**

**Mitten** Portland Prosper has notified us in writing and by email, about the Urban Renewal Projects that impact our taxing district. Of the six projects identified in the letter, five are in our district. If you have opposition, you have an opportunity to chime in; however, in reviewing these projects and discussing the property tax impact with the TSCC, they believe that even though we'll forgo some property tax dollars up front, over time, it's going to appreciate the land value, leading to a longer-term impact on the tax values. These Urban Renewal Projects are beneficial to us, our mission, and the community itself, because all of these projects are community minded and are trying to lift up marginalized or underserved communities in many ways. In the next 5-10 years, the dollar amount of foregone property taxes is negligible compared to our entire budget. If the Board wants to oppose it, they have that right and may draft a letter of opposition. The Board showed no opposition to these Urban Renewal Projects presented.

#### **7:45pm- Water Bureau Filtration Plant Update**

**Carlson** and Beamer were at a meeting sponsored by Multnomah County Farm Bureau recently, with Executive Directors of Oregon Association of Nurseries (OAN), Oregon Department of Agriculture (ODA), and a few other partner organizations, and toured the R&H Nursery that borders the PWB project and got the history of how the Portland Water Bureau filtration plant project came about. When the City of Portland condemned the land years ago, the farmers were farming it at \$0 rent. After the tour, the group met at the Multnomah Grange, including two candidates for Portland City Council. OAN invited a few news media to attend, but none showed. We were told that EPA mandated this project, but it was not exactly true. The City of Portland had a variance to avoid building this filtration facility if they continue to test the water for cryptosporidium, but they decided that it was too cumbersome to continue doing. In talking to Jim Johnson from ODA, he said if this project goes through, it could change land use planning the state. Beamer asked about the chance of the appeal prevailing, and he said there's almost no chance. If the project gets shut down, the financial ownership falls on the City of Portland. A former Metro councilor mentioned that the City of Portland is violating their 10+ year agreement with Metro to designate this land as a rural reserve.

**Beamer** The price has gone up from \$800 million to \$2.1 billion (same as the PDX reconstruction), which will be financed on the water bill of the City. The land is on a rural reserve, and EMSWCD fights to protect our prime farmland, and this type of land, with the best class soil due to rural reserves, is important and scarce in the entire nation. It was made clear that the District is not a co-plaintiff on the lawsuit, and that she was there representing the Board's letter of opposition, emphasizing the farmland protection aspect.

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### **7:51pm- Responding to Land Legacy 1-pager from Director Rossi**

**Zimmer-Stucky** At the last Board Meeting, Rossi asked the Board to read his document and respond to it, and to see if they wanted to direct any staff time towards this.

**Rossi** The document is a result of people, mostly current and past historical farm owners or their families, contacting him regarding competition for farmland. He gets contacted by people a lot due to his place in the Farm Bureau and OAN communities. This is an attempt, for him, to have the District be seen taking a proactive stance, and not be seen as being competitive to some of the other farmers who are also trying to acquire land. His request is to have Beamer spend some time with the Farm Bureau, OAN, and another agricultural organization in the farmland competition field to meet and have a discussion.

**Carlson** would like to see the District move forward and improve. He's heard the same thing from some of the farmers that there is a perception that we're competing against them. There was a proposal from the Land Legacy Committee that seemed more cooperative than what we've seen in the past. A lot of it is perception, and we might need to educate people more, and work with them as well in acquiring property. If some of our historic farms want to acquire property, why wouldn't we help them?

**Guebert** Those services and opportunities are open to helping them now, and if there's a perception that we are competing, that's based on a lack of understanding of our work and how our easements actually work. We do have goals of helping new farmers acquire land, which may not coincide with an established nursery expanding their operation. This report also suggests offering voluntary negotiated easements to help reduce land prices, which we brought a motion for, and Rossi voted against it.

**Rossi** didn't vote against that specifically; it was a much bigger issue. For example, Rossi sold their farm to the District because a previous seller recommended the option to him for the best value, and the perception is that the government entity will overpay, but instead it iced out three other potential buyers, because Rossi's brother and sister immediately discounted any other offer. The perception is that EMSWCD will come in with more resources and ability to close properties, so it incentivizes people to work with us directly, instead of going to a realtor, where it's transparent and available to everyone, and the District still has the ability to buy it. Letting us be the buyer would allow properties to transfer to people who are really farming it, to go to easements voluntarily, and we can pick off the ones who don't/are in danger. This would add to our capacity because we could allow the market forces to take place for the ones that work out good and we could come in strategically to grab the important ones.

**Zimmer-Stucky** There are potentially other buyers, but it's not concluded that those other buyers would continue to farm the property. For those who farm along the urban edge, their biggest competitors are not SWCDs, it is usually amenity buyers who move out there for the view, a different school district for their kids, to be outside of the city with a short commute still, etc. If you look holistically at where farmers are losing out, it's to the amenity buyers. If the Gordon Creek property had gone on the market, there was no guarantee that the highest bidder would have been a farmer. If you look at the trajectory of farmland in Corbett, it's safe to say that the highest bidder for that property would not have been a farmer.

**Rossi** Our land wasn't going to go on the market with the realtor because people were approaching us directly. We can still prevent what you're saying. We didn't have to go through that process or spend all that money to accomplish a goal, it could have gone to a farmer, and we could have prioritized that money for something that's more in danger.

**Guebert** disagrees. We didn't force anyone to sell to us or buy from us.

**Carlson** also voted against that sale as well, because that property had existing restrictions that would have prohibited a lot of activity on it. It was EFU 40, so you could only build one house on it. It's outside the UGB, and if you took it out of the EFU, the tax burden is huge due to paying back on real market value, so there were always other issues that would've hindered that one out of agriculture. For other farmers closer to the UGB, he gets it, but he voted against the Gordon Creek property because it had issues that were bigger than being developed.

**Guebert** If there are people who think we're in competition with them, then maybe we need to be better in messaging and ensure that they understand how our Land Legacy Program (LLP) works in protecting farmland and the farming community as a whole.

10/7/2024



**Carlson** Getting that information out is important. There was another project we talked about recently where the landowner didn't want to put it on the market, they came directly to us, and it's important that these other farmers know this. Because, when that word gets out, it could further the perception that we're in competition.

**Rossi** We're a government agency, we should be more transparent. When we're buying property like a house flipper, and doing what we want with them, we're not letting them become available to the farming community.

**Masterson** reiterated that we could continue to do more education, but across the country, easement programs like this are often started by and overwhelmingly supported by farmers because it ultimately reduces land prices for farmers and protects farmland. The competition really is amenity buyers. She and the majority of this Board agrees with the direction of the program, and at some point, we need to move on and keep going.

**Rossi** We can take an active or reactive stance on this. He is holding the group back from talking to Beamer about this concern. We should be viewed as being proactive instead of a reactive group. He wanted to make it easier for Beamer and get it all onto one page to make it easier to start a discussion, because hearing from different people at different times requires you to talk to different people in different ways.

**Beamer** can do her job better, the more constituents she can speak with. She saw the word amendment on the document, but that's different from what Rossi is saying, which is he's conveying what he's hearing from constituents. She's had a few conversations with individuals who have experienced this and has carved out the time to hear directly from them as she finds that important so that she understands the firsthand experience. She has an open-door invitation to who want have those conversations. We can't do this without our farmland partners, it's about forever farming and protecting the resources we have. Acknowledging how we can move forward on this issue together is the end goal here.

**Masterson** is thrilled to hear that Beamer is out talking to constituents, and Shipkey always is. There's no reason to change the program, it's working quite well how it exists currently.

**Zimmer-Stucky** To Rossi, please do not be the backstop to all of these comments. It's more helpful to hear from people directly so we can understand that everyone has a unique relationship and situation with land access and so far, the examples he's brought forward are not compelling enough to make her reevaluate the direction of the LLP. If there are people who are holding back from speaking to the District, we should correct that, and she'd like to encourage them to continue moving forward with communication with Beamer and the District. These are probably people we've asked for feedback from before with surveys or otherwise, and if they've refrained from giving it, or felt unheard, we should clarify that.

**Zimmer-Stucky** Moving onto some of the other points in the document:

- Create and share a list of farmers interested in purchasing or leasing land with sellers and realtors: This is a practice of the LLP already. It was demonstrated in one of the acquisitions we did. We learned about the outreach to farmers before voting to place an easement on the property.
- Offer voluntary negotiated easements to help reduce land prices and assist farmers in land acquisition: That is a great summary of the entire LLP as it currently stands.
- Ensuring the transition of landownerships are sustained through support services potentially in collaboration with OSU Extension services to enhance early economic success for new farmers: we are working with Barrett on that evaluation. We helped support the small farms program. We are working in this capacity already.
- Expanding access to land acquisition opportunities to a wider range of agricultural operators: Last year we removed the ball and burlap restrictions on nurseries for our easements, which opens up the LLP to a lot of agricultural operators.

10/7/2024



**Rossi** We don't have to buy property to do these things; we can help people buy property and do those things for them, instead of tying up our capital to acquire land ourselves to accomplish these goals. There are things we could expand on, especially if we expanded capacity by not spending a lot of money on buying property and tying it up for periods of time. He's not saying we don't do these things.

**Guebert** agrees that we can accomplish these goals by not buying property, but buying property is also a tool in the toolbox that can help us advance our goals in certain situations.

**Rossi** But it's a tool that we don't always have to use.

**Motion:** Rossi moved to have Beamer engage in a conversation with Multnomah Farm Bureau, Oregon Association of Nurseries, and one other agricultural organization that Beamer recommends. Carlson 2<sup>nd</sup>.

**Zimmer-Stucky** acknowledged Motion was made and seconded and asked for any discussion.

**Discussion:**

**Masterson** is not opposed to this in concept but is opposed to the motion as it seems out of character for how the Board usually does business. These are things that seem irrelevant, as it's what Beamer is already doing.

**Carlson** Beamer is having discussions already, but the perceptions are out there, and we need to work more on getting the message out to them.

**Zimmer-Stucky** has seen Beamer's monthly updates to the Board include an exceptional amount of outreach to these organizations through attendance of their events or sitting down one-on-one, almost since day one. This doesn't seem like the way to go, and it seems unwise to place this kind of motion on the table.

**Rossi** She's having general conversations, he is asking Beamer to have one single conversation with all of these organizations on one topic. We ask Beamer to engage with different groups for different reasons, she suggests what she does, it's not a big ask, it doesn't take any director time or staff time.

**Beamer** Whenever Larry Bailey or Jeff Stone calls Beamer to voice a concern, she is in practice of coming to their locations or meeting to discuss it further. She had an individual come to her asking about a farm retirement situation, and she did let that person know that the District's mission through decades has been committed to protecting agricultural land and making sure it remains active and available for future farmers. It was about creating clarity and understanding, and then she did get to pass this person's name to the LLP so that we could add them to the list of contacts who are interested in buying land to share out opportunities we find.

**Carlson** The big thing feels like having more conversations like that, to let them know what we can and can't help them with.

**Zimmer-Stucky** Instead of creating a motion for this, she would suggest for the farmers who are coming to Rossi with concerns, for Rossi to instead direct them to reach out to Beamer to discuss these topics instead.

**Rossi** That puts us in a reactive posture. He is not willing to retract his motion, so that the District has a proactive posture instead of reactive.

**Zimmer-Stucky** Seeing Beamer's monthly updates on her workplan, directing her to go and do this all again feels unprofessional and unnecessary. That doesn't close the door to conversation, but this feels like the improper way of moving forward.

**Carlson** How do we move forward to change the perspective? By not reaching out to these groups, we're fostering mistrust.

**Masterson** We are already moving in that direction. This specific type of motion seems like it sets a bad precedent. Of course we should continue to educate farmers.

10/7/2024



**Rossi** It shouldn't have to elevate to a motion, but it seems like it does. He's been telling people that he's going to start having the District start engaging in conversation with Larry Bailey, Jeff Stone, and one other person. It's a conversation with industry people who are competing for farmland with us, so that we understand how we can work together and maybe improve and add to capacity.

**Zimmer-Stucky** Rossi started this conversation by saying that he had been holding people back from contacting the District. She thinks this motion is unnecessary, and instead Rossi can go back to the farmers he's been holding back and let them know that he spoke to the Board and Beamer, and that they were interested in talking to them.

**Rossi** is only doing this because Zimmer-Stucky said it was required he do that, that it has to elevate to a Board discussion, so it is completely necessary. It's not really a motion, it's an outline to be in conversation, and it's unnecessary that the Board wastes time on this, if the Board wants to vote no, they can be on the motion voting no.

End of Discussion.

**Motion on the table was voted upon after discussion.**

**Motion declined (2 in favor, Rossi & Carlson – 3 opposed, Zimmer-Stucky, Guebert, Masterson).**

**Zimmer-Stucky** Rossi also sent out an email to the rest of the Board, around 4pm today. He is available for questions on his email.

**The Board** didn't have any questions.

#### **8:24pm- Announcements, Action Items, and Adjournment**

**Beamer** reiterated some key dates:

- October 15<sup>th</sup>: PIC applications open
- November 1<sup>st</sup>: Eat n Greet
- November 4<sup>th</sup>: Next Board Meeting
- November 30<sup>th</sup>: HIP applications are due

**Carlson** will not be able to attend the November 4<sup>th</sup> Board Meeting.

**Action Items: N/A**

**Zimmer-Stucky** adjourned the meeting at 8:26pm.

## Executive Director Update – November 4, 2024

### Looking back:

- Attended the 3-day OACD annual conference in Hood River. Built peer network with District Managers/Board members and relationships state agency staff. Key themes covered:
  - Agricultural Water Quality Standards: DEQ and ODA
  - Natural and Working Lands climate investments: ODA, OWEB, ODF
  - NRCS new State Conservation Director report: Greg Becker
  - FY 2025 water investments: Representatives Helm and Owens
  - OACD Policy Priority review
- Created an RFP for consultant to help EMSWD prioritize and operationalize strategic goals and strategies work plan document
- Continued support for start-up of a BIPOC affinity space for SWCDs, Watershed Councils and Land Trusts in the upper Willamette Valley. Kick-off retreat scheduled for February
- EMSWCD staff annual performance reviews all complete
- Created EMSWCD onboarding modules for new board members

### External meetings last month:

- Responded to media requests to elevate recruitment window for Headwaters Farm Incubator Program:
  - OPB farm tour for radio story
  - OPB interview for print story
  - KGW news
- Represented EMSWCD on OFB-hosted tour and panel on proposed Portland Water Bureau treatment plan. Represented EMSWCD board-adopted position.
- Attended North Willamette Research and Extension- OSU Harvest Dinner in Aurora
- Attended Indigenous Leadership Awards

### Looking forward:

- Develop a new work plan pathway for permitting a Headwaters office space in area adjacent to existing farm buildings
- Staff lunch 'n learn: Human Access Project: Update on addressing Ross Island Lagoon harmful algal bloom. Nov. 15 at noon
- Eat and Greet in Corbett Nov 1
- KB attending “creating a brave leadership team” training, Chris Caldwell Nov. 7
- Attending Our Willamette Waters Science in Service of Policy, Management and Restoration conference Nov 12-13

### Upcoming external meetings:

- Megan Gibb, New Planning Director for Multnomah County
- Heather King, Columbia Slough Watershed Council
- Atchley Culbertson, Indigenous Community Coordinator, Portland Parks and Recreation
- Claire Tachella, NRCS Assist. Conservationist for Partnership, discuss People’s Garden Initiative

## Leadership Team Update – November 4, 2024

### **Dan Mitten – Finance and Operations Program**

- **Public Meeting Law & Trainings:** Reviewed new Public Meeting Laws and required trainings for Board members. Training includes processes for grievances filed with required time sensitive responses and actions; executive sessions; ethics; and public meeting laws. The Oregon Government Ethics Commission (OGE) is the agency that provides oversight and ensures compliance with the training. All training must be approved by the Commission and will likely start to schedule in-person training session(s) at/around the first quarter, 2025.
- **CRM Update:** Continued to move forward with CRM implementation. Have onboarded Kelley, the remaining members of the Leadership Team, and two more staff. Developed a comprehensive user-guide for staff usage and began steps with an Events “task force” to plan event/event outreach integration and Outlook and Zoom integrations.

### **Kathy Shearin – Urban Lands Program**

- **New Hire** – Urban Lands has hired a new Education and Outreach Coordinator!
- **Plant Sale** - Planning is in full swing
- **Urban Lands Fall workshops** are scheduled and up on the website - thanks COE team for assistance during this transition (until the new UL E&O position is fully on-board).
- **Technical and Financial Assistance** - A slow start to the rainy season has meant an increased number of technical assistance requests – as more people continue or initiate projects while the weather cooperates – setting the stage for at least one potential new urban CLIP project.

### **Julie DiLeone – Rural Lands Program**

- **Headwaters-** Winter cover crops were planted on the areas we manage, and the weather and timing led to great germination. Meeting with current program participants to discuss their plans for next season. More press coverage from OPB and the Capital Press.
- **Farmland Protection Program-** held a required public hearing for the easements on the Woodard Road and Division Drive farms.
- **Eat and Great** is happening on November 1. I'll have some details to share at the Board meeting.

### **Heather Nelson Kent – CO&E and Grants Programs**

#### **CO&E**

Farmland Protection Program website updating and new resources

- Launching free 5-part on-demand video series; promoting with some incentives
- New program outreach postcard

More here: <https://emswcd.org/>

Headwaters Business Incubator Program application – promotions and media outreach (with support from Eric Steen (through a partnership with OACD).

- [KGW TV News](#)
- [OPB](#); Radio story link when I have it.
- [Capital Press](#)

New EMSWCD Website project – on track and on task

- Completed an audit of all the existing webpages (more than 900!)
- Completed software audit and SEO review
- Finalized new site navigation.

Having fun with social media (and getting some good engagement) -

<https://www.instagram.com/emswcd/>



### Grants

SPACE – new awards: Sauvie Island Center field trip program with Title I Schools.

### Equity Team Update – November 4, 2024

- The Equity Team recently recommended the approval of several new budget requests including support for the proposal to create an Affinity Group for BIPOC staff from Soil and Water Conservation Districts, Watershed Councils, and Land Trusts. The funding will support Phase 1 activities that are planned to take place in FY24-25.
- The Equity Team is continuing to coordinate ongoing staff learning through Small Discussion Group Meetings. Chris and Scot have teamed up to create a schedule of monthly equity topics for small discussion groups.
- After two and a half years of beginning work on the 5-year Equity Plan, staff have completed 30 of the 67 (45%) action items designed to help meet EMSWCD's Equity Goals. An additional eight action items are currently in progress (12%). The team is developing a plan to report back to staff on completed and in progress items and prioritize the next action items to begin implementing.



# East Multnomah Soil & Water Conservation District

## Employee Handbook

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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.

## 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;
- 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

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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;
- 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.

#### **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 \$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 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 vehicles. Only employees authorized by EMSWCD are allowed to drive EMSWCD 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 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 vehicles to be used for personal use. Determination of inappropriate use is at the discretion of the Executive Director.

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.

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.

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## 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.

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## 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 24<sup>th</sup> of the month to the 23<sup>rd</sup> of the following 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.

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.

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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 pay period to ensure timekeeping is accurate. Timesheets are due by noon on the 24<sup>th</sup> of each month unless otherwise prescribed by the Chief of Finance & Operations.

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 EMSWCD Employee Handbook – DRAFT 4/15/2024

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.

**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  | 6.6710.0      | 12080  | 32     | 12080            | 32     |
| 2nd               | 13     | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 10.11.67      | 140120 | 3.53   | 200240           | 65     |
| 3rd               | 25     | 26  | 27  | 28  | 29  | 30  | 31  | 32  | 33  | 34  | 35  | 36  | 11.6740       | 140120 | 3.53   | 240240           | 6      |
| 4th               | 37     | 38  | 39  | 40  | 41  | 42  | 43  | 44  | 45  | 46  | 47  | 48  | 11.6740       | 140120 | 3.53   | 240240           | 6      |
| 5th               | 49     | 50  | 51  | 52  | 53  | 54  | 55  | 56  | 57  | 58  | 59  | 60  | 11.6740       | 140120 | 3.53   | 240240           | 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      |

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 Time**Eligibility

All employees.

Accrual

- Full-time employees earn 8 hours of wellness leave per month (i.e., 96 hours per year).
- Part-time employees earn 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;
  - 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.
- 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.~~

**Commented [DM1]:** This doesn't make sense. Recommend striking this as All-Staff are eligible for Veteran's Day off with pay, regardless of current or prior military status.

#### 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"<sup>2</sup> 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 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 child<sup>4</sup> 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.

#### **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 Pay**

##### Eligibility

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

##### Accrual/Use

- On rare occasions, eligible employees may request leave without pay for reasons such as adding time to take vacation for which they have not accumulated the hours or take a short leave of absence for personal reasons.
- 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"> <li>• Health insurance *</li> <li>• Flexible spending accounts **</li> <li>• Life insurance ***</li> <li>• Worker's compensation insurance ****</li> <li>• Short and long-term disability insurance •</li> <li>Employee wellness</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Salary/wages</li> <li>• Worker's compensation insurance *****</li> <li>• Leave (any type) accrual</li> <li>• Retirement contributions</li> <li>• Tuition assistance</li> <li>• Job training funding</li> </ul> |
| <p>* <u>Health insurance</u>: For all unpaid leave except <u>Sabbatical Leave</u>. 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>** <u>FSAs</u>: Employees are responsible for continuing any arranged FSA premium during the time off without pay.</p> <p>*** <u>Life insurance</u>: 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>**** <u>Worker's comp</u>: 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"> <li>• None</li> </ul>                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• Position/employment service period *</li> <li>• Leave accrual service period</li> <li>• Tuition assistance required service period</li> </ul> |
| <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 benefits<sup>1</sup> 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.

**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.

## 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](mailto:BOLI_help@boli.oregon.gov)

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

#### [Oregon Occupational Safety & Health](#)

Email: [tech.web@dcbs.oregon.gov](mailto:tech.web@dcbs.oregon.gov)

800-922-2689

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

Email: [Info@eeoc.gov](mailto: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)



## Executive Director Performance Evaluation Process

East Multnomah Soil and Water Conservation District

10/14/2024

### Finalizing Executive Director Performance Evaluation Process

#### Background

EMSWCD's Executive Director annual performance evaluation is overseen and conducted by the Board of Directors. The process occurs in alignment with staff annual performance reviews each summer. To maintain consistency with the ED evaluation process developed for the current Executive Director's 6-month review, this memo lays out key steps and a timeline for conducting the Executive Director review.

#### Process

1. The EMSWCD full Board appoints a member to be point of contact during the review process and reviews, makes changes to (if desired), and approves the evaluation form.
2. Appointed point of contact works with staff to secure a third-party HR professional on contract to solicit staff and board feedback.
3. The Executive Director review criteria will resemble the standard employee performance evaluation form for the District.
4. Contractor provides Executive Director with the performance evaluation form to conduct a self-review.
5. Contractor compiles ED self-review along with staff and Board feedback for Board review in September.
6. A Special Board Meeting is scheduled and noticed stating purpose of the meeting is to review and evaluate the performance of a public officer and will be held under Executive Session in accordance with ORS 192.660(2)(i).
7. Contractor meets with the Board of Directors in Executive Session to review feedback and finalize review. Board comes out of Executive Session and decides if Board Chair will present results to the Executive Director individually or will hold another Special Board meeting with full Board to meet with the Executive Director.
8. Board (or Board Chair) meets with Executive Director to discuss results.
9. Evaluation and Self-Evaluation of the Executive Director are sent to the CFO for inclusion in the Executive Director's Personnel File.

#### Estimated Timeline

January: Personnel Committee meets to review and discuss the process.

February: EMSWCD Board of Directors appoints a point person from the Board.

April (or next PC Meeting): Personnel Committee codifies any changes to the process and review form and makes recommendation at the next full Board meeting.

July: Executive Director submits a self-review and HR Consultant solicits feedback from staff and Board.

August: Contractor sends evaluation and all feedback to the Board

September: Board meets to conduct the performance evaluation and finalize the review. The Board (or Board Chair) meets with the Executive Director to discuss results.



## Headwaters November Board Meeting Agenda

1. Session introduction and Headwaters level-set
2. Review of Weed Management Plan concerns and approaches
3. Detailed overview 2024 weed management activities
4. Trials: what we did and what we are learning
5. Looking forward: three-phase management approach, leased land vs. district-managed acreage, limiting factors, and key lessons learned
6. What we are excited about
7. Questions and communication going forward

## Headwaters 2024 Trial Overview

| Trial                              | Actions                                                                                                                                                                              | Data Available                                                                                                                                               |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nutrient Balancing                 | Applied different application rates and blends of trace minerals on half-acre plot                                                                                                   | Some insights 2025; longer term takeaways years out                                                                                                          |
| Pastured pigs for nutsedge control | Rotated eight-pigs on just under a half-acre of nutsedge-infested soil from May through October; three transects were taken with nut sedge counts                                    | Late spring or early summer 2025                                                                                                                             |
| Perennial cover crop               | Sowed a multi-species perennial mix in the spring; mowed twice in the summer (weed intervention); irrigated sporadically; supplemental seed drilled in fall                          | Data will be available in the spring, but early indications suggest this could be an effective, but multi-year reset tool for annual weed pressure           |
| Stale seedbed                      | Conducted repeated disking (x3) and irrigating of a small portion of one plot; sown into a winter cover                                                                              | Next summer                                                                                                                                                  |
| Sudan smother-crop                 | Broadcast Sudan grass and crimson clover at a high rate to worked-up soil; irrigated; mowed prior to substantial fall rains                                                          | Effective smothering of annual weeds; sampling shows poor root development and biological benefits                                                           |
| Cultivation                        | Ran two successions of direct sown crops (radish, beans) to fine-tune new cultivation implements and get farmers familiar with the cultivation tractor; overhead irrigation provided | Once cultivation package was successfully adjusted, this tool proved highly effective at annual weed management and somewhat effective with nutsedge control |

# Tentative Headwaters Farm 2025 Field Management Plan

