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## ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT

### POLICY 14-02 WD

### PERSONNEL POLICY AND PROCEDURES

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#### **OVERVIEW AND PURPOSE OF PERSONNEL POLICIES**

These policies provide rules and regulations for all employees of the ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT (which is referred to as the "District" throughout these policies) relative to matters of personnel administration, except that the Manager serves at the pleasure of the Board of Directors and is the Board of Director's representative in relation to application and administration of these policies to all other District employees.

These rules and regulations are intended to set a general framework for effective personnel administration. In all cases, these policies should be construed with this in mind and should be understood as guiding the Manager, and not limiting in any way the prerogatives of the Board in its relationship with the Manager. These personnel policies do not constitute a contract for employment.

These policies replace and supersede all pre-existing policies, procedures, or orders relating to personnel matters of the District and its employees, unless contained in a written document approved by the Board of Directors after adoption date of these policies.

#### **Introduction**

This contains statements of personnel policies and procedures. It is designed to inform everyone of the working guidelines for supervisory and staff personnel in the daily administration of the District to provide employees an understanding of what is expected of them, and to ensure consistent, fair, and uniform treatment of District employees.

The District reserves the right to change these policies and procedures at any time. These policies and procedures do not and are not intended to confer any property right in continued employment, to constitute an expressed or implied contract, or to give rise to a binding past practice under any collective bargaining agreement. These policies are intended to provide guidelines and procedures, not substantive contractual or property rights.

Employees and the District reserve the right to end the employment relationship, with or without cause, at any time. Further, except as might be approved in writing by the Arch Cape Sanitary District Board of Directors, no employee or representative of the District has the authority to enter into an agreement for employment for any specified period of time, or to make any agreement contrary to Board-approved policies.

The Board of Directors may vary or modify any District personnel policy, on a case-by-case basis, if it is found that strict application of the policy is impractical or if it would result in hardship.

Exceptions granted in any instance will not be binding in the future.

## **Personnel Administration Generally**

The Board of Directors shall have authority over all matters of personnel administration through adoption and implementation of the District budget, pay plans, and ordinances and resolutions adopting and/or amending the personnel rules and regulations.

The Manager is charged with responsibility for the effective implementation of these rules and regulations.

The Board of Directors may specifically delegate in writing the authority for the enforcement of rules and policies.

## **APPOINTMENTS, QUALIFICATIONS, AND SEPARATION**

### **Job Announcement**

A job announcement will be made for any vacant position within the District and shall be initiated by the Board of Directors. The announcement shall specify title and salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and may include the selection process to be used. Job announcements shall be posted on appropriate bulletin boards, and may be published in District publications [and appropriate newspapers or newsletters]. Job announcements will be posted a minimum of 30 calendar days prior to the closing date.

### **Applications**

Appointment to positions is through an open competitive process and will be based on merit and qualification. Promotional appointments may be made exclusively from employees if it is determined that a sufficient number of employees are interested and qualified to compete through an internal selection process. Ordinarily, all vacancies will be posted internally and advertised externally, in order to hire the most qualified applicant. Applications shall be available in the Manager's office. Applications will be accepted only for advertised openings. Applicants will complete the application form and any supplemental materials required by the District for positions within the time period specified in the job announcement.

Applicants for employment shall furnish complete information requested as to education, special training, experience, and skills, as well as a chronological schedule of employment, references, and other pertinent information. The Board of Directors makes all appointments to positions authorized by the Board.

### **Eligibility**

At the time of application all applicants must meet the minimum qualifications for the position or demonstrate a reasonable assurance of meeting the minimum qualifications by the time of appointment.

### **Selection**

- **Veteran's Preference in Public Employment**  
Public employers must grant a preference in hiring and promotion to qualifying veterans and disabled veterans if their hiring decision will be based on the results of a merit-based, competitive process. Generally, this process involves recruiting, selecting and promoting employees on the basis of their relative ability, knowledge, experience and skills, determined by open competition and consideration of qualified applicants.

Selection criteria and procedures will be based solely on job-related knowledge, skills, abilities, experience, education, training, and, when appropriate, prior demonstrated performance, aptitude, and character. The Board of Directors shall design selection criteria based on the classification specifications and job requirements. Based on the results of the selection process, applicants will be selected by the Board of Directors for an employment interview.

There are four ways to qualify as an eligible veteran:

- Must have served on active duty with the US Armed Forces for a period of more than 178 consecutive days and have been discharged under honorable conditions; or
- Must have served on active duty with the US Armed Forces for 178 days or less and have been discharged under honorable conditions because of a service-connected disability (disabled veteran); or
- Must have served on active duty in the US Armed Forces for at least one day in a combat zone and have been discharged under honorable conditions; or
- Must have received a qualifying military decoration for service in the US Armed Forces.

At each stage of the application process five preference points will be added to an eligible veteran's score and ten preference points to a disabled veteran's score. These point preferences need to be added every time an eligible veteran or disabled veteran applies for position based on the results of a merit-based, competitive process even if they are already an employee of the district.

Preference points must be granted as follows:

- For an initial application screening used to develop a list of persons for interviews, add five preference points to a veteran's score and 10 preference points to a disabled veteran's score.
  - For an application examination, given after the initial screening that results in a score, add preference points to the combined examination score without allocating the points to any single feature of the examination. Add five preference points to a veteran's score and 10 preference points to a disabled veteran's score.
  - For an application examination that consists of an interview, an evaluation of the veteran's performance, experience or training, a supervisor's rating or any other method of ranking an applicant that does not result in a score, preference must be given to the veteran or disabled veteran. Districts that use an application examination of this type must devise and apply methods by which special consideration in the hiring decision is given to veterans and disabled veterans.
- Pre-Employment Drug Screening for Safety Sensitive Positions  
Applicants who are offered an opportunity to interview for a "safety sensitive" position will

be required to consent to a pre-employment drug screen. Safety sensitive is defined as “Discharge duties fraught with risk of injury to others that even a momentary lapse of attention can have disastrous consequences.” Examples: police, firefighters, dispatchers, maintenance personnel, emergency response, utility workers, positions wherein driving is an essential aspect of daily duties, etc.

The applicant will be advised that the presence of one or more drugs may be cause for rejection from further consideration for employment, and that appointment to a position is contingent upon a negative drug test result. The applicant will be asked to authorize the District to conduct, through the District's designated physician or laboratory testing facility, a drug screen test as a requirement of employment.

Applicants shall be directed to an appropriate collection facility. The drug test must be undertaken as soon after notification as is possible, and no later than 48 hours after notice to the applicant. Where appropriate, applicants may be reimbursed for reasonable travel expenses.

Applicants shall be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by medical consultants to determine whether the individual is lawfully using an otherwise illegal drug.

The District will decline to extend a final offer of employment to any applicant with a verified positive test result, and such applicant may not reapply to the District for a period of twelve months. The District shall object to the applicant on the basis of failure to pass the drug screen, a lack of personal characteristics necessary to relate to public employment or failure to support the goals of the District. The District shall inform such applicant that a confirmed presence of an illegal drug in the applicant's urine precludes the District from hiring the applicant.

### **Orientation**

Upon appointment, the direct supervisor (Board of Directors or Manager.) shall be responsible for orientation of new employees. Orientation shall include, but shall not be limited to, organization and services of the District, work rules, personnel policies and procedures, safety training, completion of payroll forms, and introduction to other District personnel.

### **Probationary Period**

New and rehired employees shall serve a probationary period of six (6) months commencing with their first day of employment. The District can extend the duration of the probationary period up to six (6) months if, in its sole determination, such an extension is appropriate. Upon promotion, probation is six (6) months unless otherwise specified in the position or at the time of the promotion opportunity.

Probation is part of the selection process used to confirm the initial employment decision and to reject those whose performance is not satisfactory. During this evaluation period, the employee and the District will have an opportunity to determine whether further employment with the District is appropriate.

During the probation period, an employee's employment may be terminated without recourse and without appeal under these policies and procedures. An employee who successfully completes the probationary period will be notified in writing that he or she has become a regular full-time or a regular part-time employee of the District.

No employee will be deemed a "regular" and no longer a probationary employee until the District has so determined and notified the employee in writing.

### **Employee Status**

- **Regular Full-Time Employees**  
An employee who regularly works a minimum of forty (40) hours a week on a continuing basis, and who has completed the probationary period, is considered a regular full-time employee.
- **Regular Part-Time Employees**  
An employee who regularly works less than forty (40) hours a week is considered a regular part-time employee once the probationary period is successfully completed. [The District shall pay a proportion of benefits, based on the regular hours of work.]
- **Temporary Employees**  
Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal work-loads or emergencies. [Temporary employees are ineligible for employer-paid benefits.]

### **Duration of Employment**

All employees, except temporary employees, are hired for an unspecified duration. The District may not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the District. Accordingly, either the employee or the District can end the employment relationship at any time, in accordance with District procedures. Discipline and discharge may occur subject to the policies and procedures set forth on page 251, except these shall not apply to a probationary employee.

### **Anniversary Dates**

The anniversary date used to determine vacation of an employee hired before the 15th of the month shall be the first day of the month. The anniversary date of an employee hired on or after the 15th shall be the first day of the following month.

### **Volunteers**

Volunteers are not employees of the District. Volunteers receive only those benefits expressly conferred in writing or by law. Workers' compensation insurance will not be provided to volunteers. The service of a volunteer may be discontinued at any time for any reason. Volunteers must abide by all applicable rules, policies, and practices of the District, and are held to the same standard of performance as applies to regular employees. Volunteers serve at the pleasure of the District and the volunteer, and either may end the volunteer arrangement at any time.

### **Employment of Relatives**

Relatives of employees may be hired by the District only if individuals concerned do not work in a direct supervisory relationship or otherwise create a potential conflict of interest that would interfere with the normal operation of the District. "Close family members" include current spouse, children, parents, grandparents, brothers, sisters, grandchildren, aunts, uncles, first cousins, and corresponding in-laws and "step" relations. Present employees who marry will be permitted to continue work if they do not work in a direct supervisory relationship with one another or otherwise create a potential conflict. Employees will be allowed to accept a transfer including a demotion to an available and suitable position to avoid direct supervision by a relative. If this cannot be accomplished, one of the employees may be terminated.

### **Physical Examinations**

An offer of employment may be contingent upon an applicant's successful completion of a medical examination to determine if the applicant is able to perform the essential functions of the job, with or without reasonable accommodation and without direct threat to the health or safety of the applicant or other persons. If required, this examination will be provided by the District at District expense. Any information gathered will be treated as a confidential medical record. The scope of the post-offer medical examination need not be limited to the ability to perform essential job functions and may include a base-line physical exam and other inquiry into the applicant's physical and/or mental condition. In order to ensure continued qualification for employment, the District may request its employees to submit to a medical examination when the request is job related and consistent with business necessity at the District's expense. Medical examinations may be required to support family medical leave situations, including requests for second or third opinions and fitness for duty certifications, as provided by family medical leave laws and the District's policies.

### **Driving Record**

Employees who may be required to drive must possess a valid Oregon driver's license and must comply with any operator's license restriction. All employees who may be required to drive on District business may at any time have their driving record checked by the District as permitted by applicable law. If the record indicates violations, the employee may be subject to appropriate warnings or disciplinary action. As a condition of continued employment each employee who operates District vehicles must maintain a personal driving record which is within risk criteria, if any, established by the District's insurer.

Job applicants' driving records are checked prior to being hired as a condition of employment.

Employees who may be required to drive shall notify the Board of Directors or Manager of any change in license status, and all traffic violations. Failure to report a traffic violation or change in license status is viewed as a violation of District policy. The District monitors driving records as a component of risk management, in order to identify needs for driver improvement. This section is applicable to qualified individuals with disabilities only when driving is an essential function of their job.

## **Layoffs**

Should a reduction in the District work force become necessary, the following procedures shall apply:

Layoffs may be implemented on a District-wide basis depending on the needs of the District. Once it is determined what the scope of the layoff will be, employees generally will be laid off in the following order:

- Temporary and on-call employees;
- Probationary employees;
- Part-time employees; and
- Regular employees, according to knowledge, skills, and abilities as determined by the District.

In lieu of layoff the District may reduce the hours of work of District personnel. The District will make available medical and dental insurance as required by COBRA.

## **Voluntary Resignations**

To voluntarily resign in good standing, an employee must submit a written letter of resignation to the Board of Directors allowing at least ten working day's advance notice. Failure to submit a timely written resignation may preclude the individual from future employment opportunities with the District.

## **Personnel Records**

- Maintenance of File  
Official personnel records of employees shall be maintained by the Manager. If there is a change of name, address, telephone number, marital status, or number of dependents, the Manager should be notified in order to keep applicable records up to date.
- Removal  
Documents shall not be removed from a personnel file, except pursuant to a determination by the Board of Directors that each particular document is not accurate, or is no longer relevant or timely to any personnel or performance matter. Any document which is removed shall be maintained in a separate file containing all such documents, not indexed under the name of any employee.
- Medical Records  
Documents containing medical information shall be kept in a separate, confidential file that is not part of the employee's personnel file. While these records shall be treated as confidential, supervisors and Managers may be informed regarding necessary work restrictions and necessary accommodations. First aid and safety personnel may be informed, when appropriate, of an employee's disability, if the disability might require emergency treatment. Government officials investigating compliance with discrimination laws shall be provided relevant information on request.

- Personnel Files
 

This policy defines circumstances under which an employee may examine his/her personnel records; as well as the circumstances under which an individual who is not an employee of the District may examine an employee's personnel record. This policy and procedure applies to all District employees.

  - No material of a negative or derogatory nature shall be placed in an employee's file unless a copy is given to the employee.
  - Employees may be allowed to include in their personnel file any material deemed relevant to job qualifications or performance, in the judgment of the District. Employees may inspect and review their personnel files, excluding confidential reports from previous employers and all other information gathered prior to the date of hire.
  - Employees may protest, or comment upon in writing, any materials placed in their personnel file. Such protest/comments shall be placed in the personnel file.
- Procedure For Access By Employee
  - Employees wishing to inspect/ review their personnel file shall make an appointment in advance with the Manager.
  - An employee must receive a copy of such records within 45 days following a request. Employee may be charged the actual cost of providing this service.
- Access to Personnel Files - Persons Other Than Employee, Manager, and Board of Directors
  - Personnel files are exempt from disclosure under the provisions of ORS 192.502(2) if disclosure would constitute an unreasonable invasion of privacy. Records of discipline may be exempt from public disclosure.
  - Any person seeking disclosure of material that would constitute an unreasonable invasion of any employee's privacy shall have the burden of showing that public disclosure would not constitute such an unreasonable invasion of privacy, by clear and convincing evidence.
  - In any event, no information in any employee's personnel file will be released until the employee is notified and has a reasonable opportunity to comment on the request, except as required by Oregon law. In all cases, the District must determine whether or not particular personnel records of any District employee are subject to public disclosure. An employee's expectation of confidentiality and privacy is, in each case, subject to the requirements of Oregon's Public Records Law.
  - Information regarding an employee's address, telephone number, work history, performance or salary will not be given over the telephone. Only employment dates and job title may be released verbally.
  - Verification of employment, requests for salary or other confidential information must be in writing, signed by the employee, authorizing release of specific information.

- Work reference requests, for both present and terminated employees, must be in writing and signed by the employee, authorizing release of information, and continuing an effective authorization to disclose and release of liability (as determined by the District) for providing such information.
- Management Review of Personnel Files
  - Upon request of an employee, adverse material in the personnel files will be reviewed by the Board of Directors to determine the continued appropriateness of retention.
  - Materials deemed inappropriate or no longer relevant may be removed from the personnel file with the employee concerned so notified. Criteria which may be used include age of the material, seriousness of the infraction, and instances of repeated or similar infractions. However, such information may be maintained by the District in a separate file for purposes of forewarning and litigation defense, but generally not for human resources determinations.

## **PAYROLL, SCHEDULING, AND OVERTIME PRACTICES**

### **Work Week and Working Hours**

The normal workweek consists of forty (40) hours, however this should not be considered as a guarantee of any specific amount of work being made available. The Manager and employees are expected to accomplish service priorities in a timely fashion within the normal work week to the greatest extent possible. The employee work week schedule will be developed and maintained by the Manager.

### **Wage Compensation**

- Wage Policy
 

The District maintains a pay plan covering all positions in the District, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration is given to prevailing rates of pay for comparable work in other public and in private employment, including consideration of conditions of work and basic pay, current costs of living, the local economy, and wage adjustments in the community, suggestions of the Board of Directors and the District's financial condition.
- Salary Review
 

Compensation will be reviewed by the Board of Directors at the end of an employee's probation. An increase may be recommended to the Board of Directors based upon competent and commendable service.

Regular employee's salaries will be reviewed [after twelve (12) months] of continuous employment in the current classification. Wage increases are not automatic.

**Overtime**

Employees who are non-exempt under the Fair Labor Standards Act will be paid for all hours in excess of 40 in a workweek at the rate of time and one-half their regular rate.

**Rest Periods**

Employees may take a paid 15-minute rest period during each half shift, scheduled at or as near as feasible to the middle of each half shift. Consistent with operating requirements, employees who, at the request of the District, work two or more hours beyond their regular quitting time shall receive a 15-minute rest period before starting on the next shift, in addition to the regular rest periods occurring during the shift. Each rest period shall not exceed fifteen (15) minutes total. Rest periods shall not interfere with or be detrimental to the public safety.

**Meal Periods**

Employees shall be granted an unpaid meal period not to exceed one hour during each work shift. Consistent with operating requirements, meal periods shall be scheduled at or about the middle of the work shift. Employees who have their meal period interrupted by the District to perform required work shall be compensated for their meal period time worked.

**Payday**

The District's payday is the first (1<sup>st</sup>) and fifteenth (15<sup>th</sup>) of the month.

**Payroll Deductions**

- Required Deductions

Federal and state laws require the following deductions from every paycheck:

- Federal Withholding Tax;
- State Withholding Tax;
- Social Security Taxes (FICA);
- State Accident Insurance-Employee Surcharge;
- Court Ordered Child Support Payments or Garnishments; and
- Retirement.

- Optional Deductions

Other deductions may be made from the employee's paycheck with the employee's written request, including, but not limited to insurance contribution.

**Medical Insurance**

The District provides group medical, dental, and vision insurance] for eligible employees. Coverage for eligible employees begins the first of the next month following the employment date. Information regarding eligibility and specific benefits is available from the Manager

## **Time Records**

Time cards must serve as an accurate record of the time for which each employee is paid wages and overtime. Each employee is expected to record accurately the time spent working on District business. Personal time spent in District offices outside regular working hours should not be recorded.

An employee of the District may volunteer service to the District, and the time involved would not be recorded, ONLY IF the volunteer hours worked DO NOT INVOLVE THE SAME TYPE OF SERVICE which the person is employed to perform for the District. All volunteer activities by employees must be approved in advance, and in writing.

## **Pay Upon Separation**

A regular employee terminating employment with the District will be paid any earned and unpaid wages then due for work hours, earned vacation which the employee is eligible to take off, which shall be paid at the employee's hourly rate (hereafter "pay upon separation"). An employee who is involuntarily terminated will be paid no later than the end of the first business day after a discharge or termination. If an employee resigns and fails to give at least forty-eight (48) hours advance notice prior to quitting District employment, pay upon separation shall be paid within five (5) days of termination.

## **EMPLOYEE TRAVEL AUTHORIZATION AND REIMBURSEMENT**

### **General Expectations**

All employees of the District are expected to use good judgment regarding the expenditure of funds for travel expenses.

### **Documentation Objectives**

The Procedures for documenting the expenses involved with employee travel on District related business activities are designed to provide public accountability in two areas:

- Pre-approval of all travel requests to ensure that the travel is appropriate to the needs of the District and that budgeted funds are available for specific travel requests; and
- A complete accounting of the actual expenses for the travel to ensure that the expenses reported for reimbursement are appropriate and provide appropriate documentation.

### **Approval**

The direct supervisor (Board of Directors or Manager.) shall authorize registration, travel, and attendance expenditures in advance within the budgeted amounts adopted by the Board.

### **Travel Request**

At least two weeks prior to the anticipated travel, the employee should submit a completed REQUEST FOR EXPENSES form to the direct supervisor (Board of Directors or Manager.) This will document advance approval of the requested travel and provide a basis for an advance of funds to the employee.

## **Travel Settlement**

Within one week after the travel has been completed, the employee must turn in receipts for lodging and all other expenses to be paid on an actual basis.

Guidelines:

The following general guidelines apply to the reimbursement of employee travel expenses:

- **Transportation**  
The actual cost of transportation, taxi fares, telephone calls, and similar items incidental and necessary to the performance of official business while on travel status will be paid. If the employee's personal vehicle is used, the District will reimburse the employee at the current IRS mileage rate for the actual mileage required for the trip. Parking and other related expenses must be documented by receipt.
- **Lodging**  
Hotel and motel accommodations should be appropriate to the purpose of the trip. Expenses for lodging must be supported by actual receipts. Reimbursement for lodging is generally limited to the expense of a single room, except where employees are sharing a room.
- **Meals**  
Employees will be allowed a per diem rate of \$25.00 per day for meals. This is broken down as follows: \$6.00 for breakfast, \$7.00 for lunch, and \$12.00 for dinner. No receipts are required for meals covered under the per diem. With approval, an employee may be reimbursed for actual meal expenses incurred up to \$35.00 per day, with receipts required under this provision.
- **Telephone and Facsimile**  
Expenses for telephone and facsimile communications are reimbursable only if they are directly related to District business and are supported by actual receipts. Personal telephone calls charged to the District or to your room and paid by the District must be reimbursed.
- **Registration and Tuition Fees** Expenses for conference registration, conference meals, activities and tuition fees are allowable expenses. A copy of the registration must be attached to the Request for Expenses form.
- **Accompanied Travel**  
Any expenses for family members who accompany the employee on a trip are not reimbursable.
- **Alcoholic Beverages**  
Expenditures for alcoholic beverages may not be reimbursed by the District.

## **TIME OFF**

### **Vacation Benefits**

Vacation benefits are intended to provide eligible employees with a period of paid rest and relaxation away from work. Accordingly, employees are encouraged to schedule vacations each year, and to use all earned vacation benefits.

If a holiday falls during an employee's scheduled vacation, the employee will receive holiday pay for the day, if eligible for such pay, and will not be charged for vacation benefits for the day.

Accrued and unused vacation benefits shall be paid upon termination of employment. Vacation credits shall not accrue during any unpaid leave of absence.

The District provides vacation benefits to its regular part-time and full-time employees. Vacation credits will be posted monthly as follows for employees:

<u>Years of Continuous Service</u>	<u>Monthly Accrual</u>
0 through 1	6.673 hours
2 through 5	8.000 hours
6 through 10	10.000 hours
11 through 15	13.329 hours
16 plus	15.000 hours

Employees may accrue up to 240 hours of vacation accrual. Accruals will not be posted to increase any employee's vacation balance in excess of 240 hours and will be forfeited or may be directed as time off or paid in the District's discretion. Vacations must be scheduled and approved by direct supervisor (Board of Directors or Manager) in advance.

### **Holidays**

Regular full-time employees will receive a day off with pay on each of these recognized holidays:

Martin Luther King Jr. Day  
New Year's Day  
Presidents' Day  
Memorial Day  
Fourth of July  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

Part-time employees receive pro-rated holiday benefits.

When a scheduled holiday falls on Sunday, it will be observed on the following Monday. When a scheduled holiday falls on a Saturday, it will be observed on the preceding Friday.

If an employee works on any holiday observed by the District, the employee shall either be paid or given compensatory time for all hours worked at the rate of one and one-half times the regular rate of pay.

Employees who are off work on a leave of absence shall not receive holiday pay. Employees who are off work due to sickness or vacation shall be paid for the holiday in lieu of using vacation or sick leave credits.

### **Sick Leave**

- **Notification of Inability to Work**

Employees are expected to be able to attend work reliably, predictably and regularly. Employees who are unable to report to work due to personal or dependent illness or injury must contact their immediate supervisor on or before scheduled starting time. If an employee becomes sick during the day, the supervisor or designee must be notified before the employee leaves work.

When sick leave is taken to care for a dependent the District expects that other care arrangements will be made as soon as possible, except where leave for dependent care purposes is provided for by family leave laws and the employee is eligible for such leave. The employee must comply with the notice requirements under family leave laws, which may provide for later notification of inability to work than is otherwise required by this policy, if the need for the leave is unanticipated.

- **Accrual**

In order to minimize the economic hardships that may result from an unexpected short-term personal or dependent illness or injury, the District provides regular full-time employees with eight (8) hours of accumulated sick leave per month. Unused sick leave benefits accumulate from year to year. Employees are not paid for unused sick leave upon employment termination.

- **Concurrent Leaves**

Sometimes more than one type of leave may apply to a situation. Where allowed by federal or state law, leaves will run concurrently. This means that sick leave, workers' compensation leave, personal leave, leave as a reasonable accommodation for a qualified individual with a disability, federal family medical leave, and unpaid leaves of absence may all run concurrently and be counted against the employee's family medical leave entitlement. The District may designate any type of leave as Family Medical Leave if the leave is used for a family medical leave purpose.

- **Medical Certification**

An employee on sick leave that is running concurrently with another type of leave, for example family medical leave or personal leave, must provide the medical certification required for any and all applicable types of leave. This means an employee on sick leave may be required to have their medical provider complete the certification of physician or practitioner form required for federal or state family medical leave, obtain second or third medical opinions, as provided by family medical leave laws, and provide fitness for duty medical certifications before returning to work as provided by the family medical leave policy.

## **Comp Payroll, Scheduling and Overtime Practices**

At the discretion of the direct supervisor (Board of Directors or Manager) on a consistent basis among District employees, an employee may receive compensatory time off instead of overtime at the rate of one and one-half (1½) hours for each hour worked.

An employee may utilize compensatory time off in conformity with the FLSA.

## **Jury Duty**

If a summons for jury duty is received, the employee shall notify direct supervisor (Board of Directors or Manager.) Arrangements will be made to reassign work and time off will be granted. Employees serving as jurors will pay the District payments received for jury duty except mileage when using their personal vehicle and will be paid regular wages. Employees are expected to report for work when not selected for a jury on any day, or when jury duty requires only part of a day.

## **Uniformed Services Leave and Reemployment**

Upon application, the District will grant a leave of absence to members of the reserve components of the armed forces of the United States or the state of Oregon, or to an employee who leaves his/her employment with the District, whether voluntarily or involuntarily, to perform extended military duty. Such employees will be accorded all rights to which they are entitled under Oregon and federal law, as may be amended periodically.

An employee who has been employed by the District for at least six months is entitled to one paid leave of absence for annual active duty for training per military training year, not to exceed fifteen (15) calendar days. Any subsequent leave of absence during the military training year (October 1 through September 30) will be unpaid.

Except as provided for above, the District will not provide wages or other monetary compensation during an employee's military leave of absence. At the employee's discretion, he/she may use accrued vacation, personal holidays, or compensatory time during the absence. The employee may elect to continue health care coverage during the absence and may be subject to paying the full costs of such coverage.

## **Domestic Violence Victim Leave**

Districts with six or more employees must provide eligible employees (employees who have worked for at least 180 days and worked an average of 25 or more hours per week in the past 180 days) with a "reasonable" amount of leave if they or their minor child or dependent are the victim of domestic violence, sexual assault or stalking. What is reasonable depends on the circumstances. Leave may be taken to attend court proceedings, obtain medical or mental health services, relocate or make a residence safer, among other reasons. Employers are permitted to require a limited amount of verification of the need for leave and must treat all information received as confidential.

## **SAFETY AND ACCIDENTS**

### **Safety Policy Statement**

Nothing is of greater concern to the District than the safety of its employees and the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the District's safety and accident policy. Employees are expected to use common sense and good judgment in work habits, to follow safe work practices, and to bring any unsafe condition to the attention of a supervisor.

For example, employees shall:

- Use the safety equipment that has been provided for use;
- Not operate equipment while medication, drugs or alcohol are present in the body without a doctor's written approval;
- Operate only the equipment on which they have received training;
- Warn co-workers and management of unsafe conditions or practices. Accept with appreciation the warning of a co-worker or supervisors as an expression of concern for their own well being;
- Report dangerous or unsafe conditions observed at work; and
- Refrain from horseplay at all times.

### **Unsafe Conditions**

- **Employee Responsibility**  
Every employee is responsible for safety as a specific job assignment. To achieve the District goal of providing a safe work place, everyone must be aware of safety at all times. Employees shall report immediately any unsafe or hazardous condition directly to a supervisor, if it cannot be corrected safely and independently. Every effort will be made to remedy safety problems as quickly as possible.
- **Management Responsibility**  
The District will establish and administer a safety committee or hold safety committee meetings. Each department supervisor shall frequently review the need for implementing safety practices, policy, or procedures warranted by hazards. Each accident and "near miss" is cause for review. A copy of such policies shall be delivered to all department employees. Department heads will periodically involve employees in the process. The need for periodic training shall be considered and arranged, as determined by the department head.
- **Managing Unsafe Conditions**  
It is every employee's responsibility to observe and identify conditions which could pose a hazard to employees or to the general public.

After identifying the problem, employees at the scene are expected to:

- Safely eliminate the hazard, and obtain necessary assistance;

- Safely control the hazard by enclosure or guard;
- Employ avoidance procedures; and
- Use personal protective equipment as appropriate.

### **Accident Reporting**

Accidents involving the District must be reported in detail as soon after the occurrence as possible. All accident reports should be submitted to the direct supervisor (Board of Directors or Manager.)

- **Vehicular Accidents**  
Accidents involving other District owned vehicles or personal vehicles being operated on District business must also be reported to a police agency for investigation. Any accident resulting in personal injuries or death must be reported immediately to the District office.
- **Other Accidents**  
Accidents involving damage to equipment or property, or personal injury, must also be reported to direct supervisor (Board of Directors or Manager.) The direct supervisor (Board of Directors or Manager) will determine the need for further investigation.

In case of an accident involving personal injury to an employee, regardless of how serious, the direct supervisor (Board of Directors or Manager.) should be notified as soon as possible. Failure to report accidents can result in a violation of conditions of insurance coverage and state laws, leading to difficulties in processing insurance and benefit claims. Injured workers must fill out a Workers' Compensation Report form and submit it as soon as possible to Administrative Assistant. All injuries must be reported in a timely manner to avoid risk of claim denial. The Administrative Assistant will provide advice and assistance to any person filling out a Workers' Compensation Report.

If an injury results in the death of an employee, then the supervisor shall immediately notify the Safety Officer who, in turn, shall immediately notify the State Workers' Compensation Department and the District's insurance carrier by phone. The [Safety Officer] will then proceed to process a claim report form.

The appropriate entries shall be made in the OSHA 300 Report log.

### **Workers' Compensation Insurance**

If an employee is injured on the job, in most cases the injured worker will be entitled to benefits under the state workers' compensation law. The District carries workers' compensation coverage and will assist employees in obtaining all benefits to which they are legally entitled.

### **Return-to-Work Policy**

The following procedures must be followed by employees who wish to return to work following an on-the-job injury which has resulted in the employee's being off work.

- All requests to return to work must be made in writing, dated, and signed by you.

- All requests to return to work must be accompanied by a dated, written release signed by your attending physician. This release must clearly specify whether you are released for your former job or are restricted in any way.
- Requests to return to work must be made no later than the seventh (7th) calendar day following the date of your physician's signature on the written release. Except where, in our opinion, extenuating circumstances exist, failure to make a timely request terminates your right to reinstatement or reemployment. Failure to seek a written release upon your becoming able to return to work may constitute abandonment of your right to reinstatement or reemployment. However, if the District has 20 or fewer employees both at the time of your injury and at the time of your request to return to work, the District has no obligation to reinstate you.
- Requests to return to work may be brought in personally or mailed to the District. If mailed, the request should be directed to the person listed below. Requests brought in personally will be deemed made the date on which the written request is given to the District. Mailed requests will be deemed made on the date of receipt. All requests will be date stamped upon receipt.
- All requests to return to work must be directed to the direct supervisor (Board of Directors or Manager.)
- If a suitable job is not available at the time of your request, you must contact the direct supervisor (Board of Directors or manager.) in person or by telephone once a week to renew your request. If a period of 10 days elapses without such a contact, you will be considered to have abandoned your right to be returned to work.
- All job offers will be made by telephone. It is your obligation to keep the District advised of any changes in your telephone number.
- If you are offered a suitable position in response to your request to return to work and you refuse to accept it, you will be considered to have voluntarily terminated your employment and abandoned your right to reinstatement or reemployment.

### **Violence in the Workplace**

The District is absolutely committed to providing a workplace which is free of harassment, threats, intimidation, and violent acts. Each of the District's employees is entitled to come to work without fear of being the target of such actions.

The District has a zero-tolerance policy in this area. Such acts will not be permitted to occur. This prohibition includes verbal or physical harassment, verbal or physical threats, any menacing behavior, any actual aggressive or angry touching of a co-worker, verbal confrontations, name-calling or profanity directed against anyone personally, explosions of anger, and any other actions that cause others to feel unsafe, harassed, or threatened. This policy is in addition to our harassment policy.

Examples of behavior that will not be tolerated include, but are not limited to, continually making fun of another person; angry outburst or threats to others which cause them to feel unsafe and intimidated; employees “ganging up” to ridicule or tease an employee who does not quite “fit in” with the rest of the group; employees refusing to train, work with, help or cooperate with another person when necessary; off the job harassment, threats, unwelcome advances or stalking of a co-worker, which causes workplace consequences; and any other conduct which causes a tense and stressful workplace filled with interpersonal conflict.

For purposes of this policy, violent behavior is defined as

- Willful destruction of District or other employee property.
- Commission of any violent crime on District property.
- Any other conduct that a reasonable person would perceive as constituting actual or threatened violence.

Anyone engaging in any acts of harassment, threats, intimidation, or violence against a fellow employee will be subject to discipline, up to and including immediate termination.

This policy is not intended to take away employees’ freedom of speech or to keep employees ever from engaging in light-hearted banter in the workplace. However, there is a clear line between lighthearted kidding and banter, and subjecting a fellow employee to ridicule, threats or other action, which makes for a hostile or violent workplace. It takes only a little common sense to realize that, if an employee would be uncomfortable in a co-worker’s shoes, the line has been crossed and the employee’s behavior is inappropriate. Each employee should respect the other’s feelings, as they would expect their own feelings to be respected.

Any employee who is subjected to, witnesses, or has knowledge of actions that could be perceived as harassment, threats, intimidation, or violence, or has reason to believe that such actions may occur, is encouraged and required to report them immediately to direct supervisor (Board of Directors or Manager). Employees may raise concerns and make reports without fear of reprisal. Such communications will be kept confidential to the full extent possible under the circumstances.

The District reserves the right to inspect, with or without notice, all District property, and any other property, whether belonging to employees, customers, clients, etc., brought onto the District’s premises, including, but not limited to packages, bags, briefcases, backpacks, purses, automobiles, etc. The District also reserves the right to conduct ongoing background checks on employees in compliance with applicable law and to remove any individuals from the District’s premises that present safety risks to others.

## **WHAT THE DISTRICT EXPECTS FROM YOU**

### **Teamwork and Excellence**

This section has been arranged to present a general overview of some of the District's expectations of its employees. Every employee should keep in mind that each is a part of a team of public employees, and public satisfaction with the District depends upon good service.

### **Personal Conduct**

Positive attitude, proper courtesy, and conduct on and off the job are important to the individual as well as to the District. Neatness of work performed is also important. All employees are engaged in public relations. Some deal directly with the public; others, while not in direct personal contact, do perform work under the public eye. Employees of the District, regardless of whether contacts are direct or indirect, are expected to be courteous, efficient, and helpful in all their work assignments. Favorable impressions created by employees' public behavior help develop good will and support for District services.

### **Code of Ethics for District Employees**

- **Personal Interests Avoided**

District employees may not use District time, equipment or services for personal interest or gain. When giving testimony unrelated to their assigned District responsibilities, District employees shall not use information or facts that have come to them by virtue of their employment for personal gain or benefit. In matters of personal interest, employees should conduct themselves so as not to impair their working relationship with other employees, officials, or the public.

- **Gifts and Gratuities**

Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the District. In this regard, the appearance of impropriety can be as damaging as actual impropriety and shall be avoided.

- **Special Gifts**

Department heads may allow acceptance of non-monetary gifts of nominal value [e.g., under \$50] at holidays or special occasions which are available to be shared by all employees.

### **Political Activities for District Employees**

- **Official Position Campaigning**

Employees may not use their official authority or position with the District to further the cause of any political party or candidate for nomination or election to any political office.

- **On-Duty Activity**

Oregon law forbids any District employee, while on the job, from soliciting money, influence, service, or other article of value or otherwise aiding and/or promoting any political cause, or the nomination or election of any person for public office.

### **Attendance and Punctuality**

Each employee and the employee's performance on the job are important to the overall success of operations. When absent, someone else must do the job. Everyone is expected to keep

regular attendance, be on time, and work as scheduled.

In accepting employment with the District, each employee is required to meet certain standards. Maintaining an acceptable level of job attendance is part of good work performance and is one of the standards by which an employee's overall contribution to the District may be measured. Continued employment carries with it the personal responsibility of each employee to be on the job and on time every scheduled workday. Recurring and excessive absences and/or tardiness are disruptive to work schedules, costly to the District and its residents, and detrimental to the morale and efforts of employees who maintain a good work record.

Except when the absence is due to leave protected by state or federal law, failure to meet these requirements subjects an employee to disciplinary action, which includes termination. The ability to attend work regularly is an essential job requirement.

### **Personal Appearance**

Each employee while on the job is responsible to present a proper, businesslike appearance whether in the office, a District vehicle, or other site. Good taste and good judgment in personal attire is expected. All articles of clothing shall be neat and clean and in good repair.

### **Appearance of Work Areas**

The District's objective is to provide and maintain clean, safe, and healthy work conditions. It is the responsibility of each employee to maintain a safe, neat work area and ensure that all working documents, desks, cabinets, and equipment are secure at the close of the work shift.

### **Personal Telephone Calls**

District phones are to be used for District purposes. Telephone calls of a personal nature (incoming or outgoing) should be kept to a minimum and made during breaks or lunch periods whenever possible. Under no circumstances should an employee charge a long distance call to the District unless it is work-related. Friends and relatives should be discouraged from calling during working hours except in emergencies.

### **Smoking**

State law prohibits smoking in the workplace buildings, and it is only allowed in designated smoking areas on District property.

### **Outside Employment**

- **District Comes First**  
When an individual accepts employment with the District it is understood that the District has first call upon the services of its employees, regardless of any effect on secondary employment.
- **Incompatible Work**  
Employees shall not engage in outside employment that conflicts in any way with District employment, detracts from the efficiency of work performance, or is in conflict with the interests of the District. The District expects employees to avoid extra work which affects endurance, overall personal health, or effectiveness. The District will hold all employees to the same standards of performance and scheduling demands, including employees who hold outside jobs.

- Notification  
Employees shall notify the direct supervisor (Board of Directors or Manager) in writing, in advance, of all employment outside the scope of their employment with the District.
- Conflicts  
The direct supervisor (Board of Directors or Manager) will notify the employee at any time outside employment is found to be in conflict with the interests of the District or is likely to bring discredit upon the District. It shall be up to the employee to choose which employment option is most desired.

## **Drugs and Alcohol**

- Statement of Concerns
  - The District has a responsibility to its employees, and the public to ensure safe working conditions for its employees and a productive workforce unimpaired by chemical substance abuse. The District has a responsibility pursuant to the Drug Free Workplace Act of 1988. To satisfy these responsibilities, the District must preserve a work environment free from the effects of drugs, alcohol, or other performance-impairing substances.
  - The misuse of alcohol and other drugs can impair employee performance, as well as physical and mental health, and may jeopardize employee safety as well as the safety of the public.
- Policy
  - The District is committed to maintaining a safe and healthy work place for all employees by assisting employees to overcome drug or alcohol related problems through appropriate treatment and, if necessary, disciplinary action.
  - An employee whose position has been classified as “safety sensitive” may be asked to submit to pre-employment, random controlled substance testing, reasonable suspicion testing and post-accident discovery testing to confirm that they are drug or alcohol free. Testing includes a urinalysis or blood serum, or both. An employee who is returning to safety-sensitive functions after engaging in conduct prohibited by this policy concerning alcohol may also be required to undergo a return-to-duty alcohol test.
  - Each employee is responsible for meeting performance, safety, and attendance standards.
  - Employees shall not report to work under the influence of intoxicating liquor or illegal drugs.
  - The use, sale, possession, manufacture, distribution, and/or dispensing by an employee of an intoxicating liquor, controlled or illegal substance, or a drug not medically authorized, or any other substances which impair job performance, or pose a hazard to the safety and welfare of the employee, other employees or the public, is strictly prohibited. The use of alcohol or medically prescribed controlled substances off-duty is not controlled by this policy. Conduct in violation of this policy may result in disciplinary action and/or criminal investigation, if appropriate.

- Employees may obtain counseling and rehabilitation through the Employee Assistance Program ("EAP").
- Laboratory tests relied upon shall be highly accurate and reliable.
- Positive test results may only be disclosed to the employee, the appropriate EAP administrator, the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action.
- All medical and rehabilitation records in an EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, authorizing court order, or otherwise as permitted by Federal law implemented at 42 CFR Part 2.
- Permitted Use  
It is the employees' responsibility to determine from a physician whether or not a prescribed drug can impair job performance. An employee whose impairment may affect job performance should take sick leave or other steps consistent with advice of a physician. If an employee reports to work under the influence of prescription medication and endangers self or others, the employee may be disciplined. Any failure to report the use of such drugs or other substances following an event of concern to the District, or failure to provide evidence of medical authorization, can result in disciplinary action.
- Reports of Drug Conviction  
Each employee must report facts and circumstances to the direct supervisor (Board of Directors or Manager) no later than five (5) days after conviction for violating any criminal drug statute.
- Employee Education  
The District will afford employees an opportunity to deal with drug and alcohol related problems. The direct supervisor (Board of Directors or Manager) maintains information relating to the hazards of and treatment for drug and alcohol related problems. Proactive training and information shall be sponsored by the District periodically. Any District employee may seek advice, information, and assistance voluntarily. Medical confidentiality will be maintained, consistent with this policy.
- Employee Assistance  
Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems.

If an employee seeks drug treatment voluntarily and not under adverse employment circumstances, accrued sick leave benefits may be used while attending rehabilitation. After such accommodation, the discontinuation of any involvement with alcohol or drugs may be an essential requisite for employment and is consistent with the District's policy of

maintaining a drug free workplace.

- **Discipline Related to Abuse**  
An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:
  - Direct observation;
  - Evidence obtained from an arrest or criminal conviction;
  - A verified positive test result; or
  - An employee's voluntary admission.

In such a case, the employee may be subject to disciplinary action, up to and including immediate dismissal. As part of the disciplinary action arising from current use of illegal drugs or job-related alcohol problem, an employee may be directed to consult with health care providers. Such an employee may be required to participate in a drug or alcohol treatment program as a condition of continued employment.

A supervisor, based on reasonable suspicion that substance abuse is a factor in employment, may require an employee to be evaluated for illegal drug and alcohol use and treatment by an employee assistance program or a doctor. An employee may be required to participate in follow-up care as part of a comprehensive alcohol and drug treatment program based upon medical advice.

When an employee is required to undergo treatment under the policy, the employee may be required to authorize the following as a condition of continued employment:

- Monitoring of the treatment program and the employee's participation by the Board of Directors.
- Submission to random blood and/or urine screening for alcohol and/or drugs for a specific period of time not to exceed thirty-six (36) months.

When an employee voluntarily enters a treatment program, which is not associated with District intervention, testing and monitoring by the District will not be required.

Medical confidentiality will be preserved, subject to rights granted by the employee to the Board of Directors to monitor treatment and program compliance with a health care provider in order to ensure compliance with conditions of employment and ability to return to or remain at work.

- **Drug Testing Upon Reasonable Suspicion**  
Where a supervisory employee has a reasonable suspicion that an employee is under the influence of alcohol or illegal drugs, including unlawful use of a controlled substance without a valid prescription, the employee in question will be asked to submit to discovery testing. This may include urinalysis or a blood screen, or both, to confirm involvement with alcohol or illegal drugs or that the employee is drug or alcohol free at the time in question.

- **Consequence of a Positive Test**  
An employee who is found to be under the influence of or impaired by alcohol or illegal drugs as a result of a test requested by the District, based upon reasonable suspicion, will be subject to disciplinary action including suspension or termination.
  
- **Consequence of Refusal to Submit to Testing**  
An employee who refuses to submit to discovery testing for alcohol and illegal drugs will be subject to suspension or discharge, or both. Alleged lack of reasonable suspicion is not grounds to refuse to submit to a test; however, it is reason to challenge discipline if discipline is imposed based on the test result alone.
  
- **Testing Procedure**
  - **Employee Representation**  
When the employee is notified that he or she is required to consent and submit to such tests, he or she may request the presence of a representative to witness the test. The test may not be delayed unreasonably in order to wait for a representative. The absence of a representative shall not be grounds for the employee to refuse to consent and submit to such tests or searches. The presence of a representative shall not disrupt or interfere with the tests or searches.
  
  - **Authorization to Test**  
Before a supervisor, acting on behalf of the District under this policy, may require an employee to consent and submit to any test, the supervisor must first obtain concurrence from the Board of Directors that the information available to the District about the subject employee is sufficient to determine reasonable suspicion that prohibited conduct will be established as a result of the test.
  
  - **Procedure for Consent**  
The employee shall give consent to a blood, urine, or breathalyzer test, or any combination, upon request, by signing a consent form. The form shall contain the following information:
    - Employee's consent to release tests results to the District;
    - The procedure for confirming an initial positive test result for a controlled substance, including marijuana;
    - The consequences of a confirmed positive test result for a controlled substance, including marijuana;
    - The consequences of a positive test for alcohol, under the circumstances;
    - A listing provided by the employee of legally prescribed and over-the-counter medications, which may be in the employee's body;
    - The right to explain a confirmed positive test result for a controlled substance,

including marijuana, or a positive test for alcohol; and

- The consequences of refusing to consent to the blood, urine, or breathalyzer test.
- **Confirmatory Test**  
In the event that the blood or urine test results are positive for controlled substance(s), including marijuana, the District shall require that a second confirmatory test from the same sample be conducted, using gas chromatography/mass spectrometry methods performed by a laboratory certified by the National Institute on Drug Abuse. This test also must be positive before concluding the employee has such substances(s) present in the body.
- **Employee Requested Test**  
If a blood or confirmed urine test is positive, the District will instruct the laboratory to retain the blood or urine sample for a period of not less than thirty (30) calendar days from the date the tests are complete for the purposes of allowing the employee to conduct an independent test at his or her own expense at a laboratory approved by the District.
- **Chain of Evidence**  
The procedures to obtain, handle, and store blood and urine samples and to conduct laboratory tests shall be documented to establish procedural integrity and chain of evidence. Such procedures shall be administered with due regard for the employee's privacy and the need to maintain the confidentiality of tests results to an extent which is not inconsistent with the needs of this policy.
- **Notification**  
The employee shall be notified of the results of all tests conducted pursuant to this policy. Employees who test positive shall be afforded an opportunity to provide medical or other information that may explain the positive test result. If a question exists, the available information will be reviewed by a licensed physician with training in forensic drug testing.
- **Random Drug Testing**  
The District will perform random alcohol testing and random controlled substance testing for employees whose positions have been classified as "safety sensitive." The dates for the tests will not be announced and will be spread throughout the calendar year. An employee who is notified of selection for random testing must proceed to the test site immediately.
- **"Post-Accident Testing"**  
In the event of an accident involving a commercial motor vehicle, the District will test each driver who was performing safety-sensitive functions with respect to the vehicle if the accident:
  - involved loss of human life;
  - the driver receives a citation under state or local law for a moving traffic violation arising from the accident and one or more motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other

vehicle, and/or bodily injury to a person who as a result of the injury receives medical treatment away from the scene.

- Definitions

- "Reasonable suspicion" is defined as specific articulable observations by a supervisory employee concerning the work performance, appearance (including noticeable odor of an alcoholic beverage), behavior, or speech of the employee. Any accident or incident involving physical injury to any person may be considered as constituting reasonable suspicion for discovery testing for drugs and alcohol where human factors contribute to the incident and a question of sobriety short of reasonable suspicion exists.

Reasonable suspicion testing may be based upon, among other things:

- Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior;
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
- Information provided either by reliable and credible sources or independently corroborated;
- Newly discovered evidence that the employee has tampered with a previous drug test.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard.

- "Under the Influence" is defined as any detectable level of a controlled substance (in excess of trace amounts attributable to secondary exposure) in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties. With respect to alcohol, a blood alcohol content of .04% constitutes under the influence while on duty.
- "Controlled Substances" are defined as all forms of narcotics, depressants, stimulants, hallucinogens, cannabis, and other controlled substances of which the sale, purchase, transfer, use, or possession is prohibited or restricted by The Federal Controlled Substances Act. "Illegal or controlled substances" means a controlled substance as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
- "Over-the-Counter Drugs" are those which are generally available without a prescription from a medical doctor and are limited to those drugs which are capable of impairing the judgment of an employee to safely perform his or her duties.

- "Prescription Drugs" are defined as those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.
- "Searches"  
Employees have no expectation to be free from search of a locker, desk or contents of other similar District controlled spaces. A search for contraband within personally controlled spaces on District property (purses, garments, brief cases, or a personal vehicle, for example) shall be based on reasonable grounds or consent of the employee. In accordance with the provisions of this policy prohibiting drugs in the workplace, or based upon legitimate concerns for the possession of other unauthorized materials (such as firearms, explosives, or stolen property), this policy constitutes formal notice of the District's intent to search premises, persons and secured spaces, including vehicles parked on District property, based upon reasonable grounds or consent. Searches shall be approved by the Board of Directors, and, if possible, notice to the employee and an opportunity to be present shall be given.
- "Refusal"  
Failure to appear for testing without a deferral will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector shall contact the direct supervisor (Board of Directors or Manager) to obtain guidance on action to be taken.

## **NON-DISCRIMINATION AND HARASSMENT**

### **Equal Opportunity Employment**

It is the District's policy to employ, retain, promote, discipline, discharge, and otherwise treat all employees and job applicants on the basis of merit, qualifications and competence or membership in any other classification protected under federal or Oregon law. It is the policy of the District to comply with federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual's sex, gender, race, color, religion, national origin, ancestry, age, marital status, political affiliation, sexual orientation, veteran status, any disability which can be accommodated reasonably, or any other status protected by law. Actual or perceived homosexuality, heterosexuality or bisexuality are also categories of people protected from discrimination in hiring, firing, discipline and other terms of employment.

The Manager is the coordinator for the District's procedures for the implementation of this policy. It is the intent and desire of the District that equal employment opportunity will be provided in employment, promotions, wages, benefits, and all other privileges, terms and conditions of employment.

### **Harassment**

- Statement of Concern  
The District will work to eliminate and prevent harassment and to alleviate any effect harassment may have on the working conditions of an employee. All harassment of any employee is forbidden, including unsolicited remarks, gestures or physical contact, display or

circulation of derogatory written materials or pictures regarding either gender or disability or racial, ethnic or religious groups, and personnel decisions based on an employee's response to such harassment. The District regards job-related harassment as a serious transgression and reason for discipline or discharge.

- **Policy**  
The policy of the District is that every employee has a right to be free of harassment or hostile or offensive conduct directed at another. In response to formal reports of harassment, the District will protect all parties involved from retaliation, false accusations, or future harassment, and where indicated, will take prompt and adequate remedial measures.

Should an issue of harassment be raised, all related matters will be kept confidential to the extent possible throughout the investigation, counseling and disciplinary stages. Any supervisor or Manager receiving notice of harassment shall notify the Board of Directors who will direct an investigation and ensure that the charge is resolved appropriately.

- **Reporting Harassment**  
Any employee who feels that he/she is the object of offensive harassing behavior or is aware of harassment of another employee, and/or is urged to report this to the Manager or Board of Directors. The report may be informal or formal.

- **Response to Reports of Harassment**  
The District will investigate and promptly take remedial action if deemed appropriate. Reports concerning harassment will be forwarded to the Manager unless there is an allegation against that person, and if so, then written reports will be forwarded to the Board of Directors who will delegate the matter to the District's legal counsel. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including department heads. Whenever supervisory employees become aware of allegations of harassment, they will make a written record of the allegations and will forward the record to the District in accordance with this policy.

- **Investigation**  
The Board of Directors or the District's legal counsel or other person designated by Board of Directors will begin an investigation if necessary. The first pre-investigation step shall be to inquire of all persons reporting as to whether the record now includes all allegations of harassment. The investigation will be conducted promptly on a priority basis. The investigation will be directed at ascertaining the facts concerning the allegations.

The investigator shall cause the person reported to have harassed an employee to be advised of the allegations and to afford such person an opportunity to reply verbally or in writing. The employee shall also be advised that any retaliatory conduct will be subject to disciplinary action regardless of allegations of harassment.

The results of the investigation shall be written. A finding shall be made that there is or is not reasonable cause for disciplinary action. Nothing in this section shall limit the authority of the District to modify policies or practices to correct any appearance of sexual harassment

without finding reasonable cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy the situation and prevent similar future incidents.

A report which finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may have placed in the personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may present such statement.

### **Immigration and Nationality Program**

- **Policy Statement**

The District recognizes that it has a responsibility to comply with the provisions of the Immigration Reform and Control Act of 1986 by employing only citizens of the United States of America and lawfully authorized alien workers.

The District's policy is to provide equal opportunity to all persons in matters affecting employment with the District, including full compliance with the Immigration Reform and Control Act of 1986. The District shall not discriminate against any individual, other than an unauthorized alien, based on national origin or citizen status.

- **Procedure**

In order to assure compliance with the Immigration and Nationality Act, the District will:

- Consider every job applicant on his or her merits;
- Verify employability and identity in a lawful and consistent way; and
- Maintain complete and accurate documentation of all decisions.

### **PERFORMANCE EVALUATIONS**

#### **Purpose - Communication**

Employee performance reviews are an essential communication process between the employee and the immediate supervisor. Such reviews provide information relating to merit, identify areas of training needs, target the strengths and weaknesses of the employee's work performance, and measure the relationship between goals and objectives and the individual employee's job performance. The purpose of evaluations is to let employees know how well they are performing their job and whether they have performance problems. It also serves as a basis of personnel decisions -- merit increases, promotion, and termination.

#### **Goal – Form Desirable Behaviors**

The goal of the employee performance review process is to establish a pattern of expected work performance and habits. The review process gives employees and supervisors an opportunity to measure, review, and establish goals, reward or acknowledge good performance, create incentives, and to detect and correct improper behavior or activity and/or substandard work performance.

### **Review Process**

Performance reviews shall be completed at least annually and in accordance with the guidelines and instructions set forth by the Board. Employees and supervisors are required to sign the completed performance review forms. All performance reviews will be reviewed by the Board of Directors and placed in the employee's personnel file. Employees will be provided with a copy of performance reviews.

### **Employees Effectuated**

All regular employees of the District will be evaluated under this policy. The Manager shall be evaluated by the Board based upon the consensus of the Board, using a written performance evaluation.

### **Regular Review**

All employees will be evaluated at least annually in the month of [their anniversary date.] or March.

### **Pay and Probation Recommendations**

A recommendation concerning qualification for a merit or step increase and/or passing probation to regular employee status shall be set forth in a performance evaluation.

### **Supplemental Evaluation**

A supplemental performance evaluation may be submitted on any occasion deemed appropriate by a supervisor to clarify performance deficiencies and goals or plans for improvement.

## **PROBLEM SOLVING PROCESS**

### **District Policy**

The District strives for fair treatment of all employees, however, misunderstandings and problems may occur in any organization. The District intends that such matters be resolved as early and fairly as possible. Disagreements relating to work assignment, pay, promotion, opportunity or any aspect of the work relationship should be openly discussed with the immediate supervisor. Supervisors and employees should make honest attempts to understand each other's perspectives and make every effort to resolve differences.

### **Steps to Solution**

If at any time an employee believes s/he is not being treated fairly, the employee may report the problem to the direct supervisor (Board of Directors or Manager). Several steps are suggested to insure that a prompt and fair resolution is achieved.

- Talk with your supervisor as soon as possible. S/he will review your problem, and keep you informed of the progress.
- If you believe the problem is not properly resolved you can file a written statement concerning the problem with the Board of Directors. You will be given a written reply within ten (10) working days after the written statement is received, unless additional time is needed.
- The Board of Directors will review any decision upon request, investigate further if appropriate, and issue a decision. The employee's request for consideration should be

made within ten (10) working days from receipt of the supervisor's decision. The employee may present further facts, documents or argument.

- The District cannot guarantee that an employee's point of view will be accepted, but supervisors and the Board of Directors will always listen, and make every effort to ensure that problems are resolved fairly and in the public interest.

## **DISCIPLINE**

### **Discipline Generally**

On-the-job conduct of District employees affects the ability of the District to serve its citizens and affects the taxpayer's impression of District government. Employee safety, public safety, productivity, and morale are dependent upon employee conduct.

Occasionally it is necessary for supervisors to resort to corrective action when other actions are inappropriate, or where a particular employee fails to respond to informal guidance.

In order to provide a fair method of correcting, and when necessary, disciplining employees, the District will use progressive discipline procedures where appropriate in a given situation. This section concerning discipline does not apply to the District's chief executive officer, who serves [at the pleasure of the Board of Directors] or [under the terms of an employment agreement]. This section establishes procedures and a process, and it does not constitute the creation of a contractual right to retain employment.

### **Discipline – General Guidelines**

- Discipline may be initiated for many proper reasons, including, but not limited to, violations of the work rules, insubordination or poor job performance. The severity of the disciplinary action generally depends on the nature of the offense and an employee's work record, and may range from verbal counseling to discharge.
- Progressive discipline for infractions include, but is not limited to:
  - Verbal counseling;
  - Written counseling or warning;
  - Temporary reduction in pay in lieu of suspension;
  - Suspension;
  - Demotion; and
  - Discharge.

Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. Exceptions or deviations from the normal procedure may occur whenever the District deems it appropriate, case by case.

## **Suspension of Salaried Exempt Employees**

No salaried exempt employee will be suspended by the District except for serious misconduct which does not warrant discharge and in such a case the employee must be suspended for not less than one full work week.

## **Application of Progressive Discipline**

- For performance deficiencies and minor matters, employees will normally be verbally counseled. A supervisor may or may not choose to make counseling or the imposition of a verbal warning part of the employee's personnel file by documenting what was said into a memo.

If no other deficiency occurs during the next twenty-four (24) months, the employee may request the warning be removed from the personnel file. Documents removed from individual personnel files will be retained by the District in a separate record system not filed by name, which generally shall not be considered in personnel decisions.

- In the event of two or more performance problems or more serious violation of a District policy or rule, a written warning may be issued.
- The warning should be signed and dated by the employee. An employee who disagrees with the facts in the warning may submit a written response. It will be placed in the personnel file with the warning.
  - A written warning need not pertain to the same or similar matter (issue).
  - In addition to a written warning, the Board of Directors may also suspend an employee without pay for a period of up to thirty (30) working days, or take other disciplinary action deemed appropriate. Prior to suspending an employee without pay, the Board of Directors will meet with and afford the employee an opportunity to respond.
  - The District may demote or reduce the pay of employees. A written statement of the reasons for such action shall be furnished to the employee, and a copy shall be made a part of the personnel file. The employee will sign the statement acknowledging he has received a copy of it, and may file a rebuttal statement.
  - Discharge may result if the employee violates District policy, commits serious misconduct or fails to improve the level of performance. However, this statement does not limit the District's right to end the employment relationship with or without cause, at any time.
  - An employee should not be reinstated or otherwise relieved of misconduct if to do so would be contrary to public policy. In determining if reinstatement or other action would be contrary to public policy, the District will look at public policy requirements as clearly defined in statutes or judicial decisions, including but not limited to policies respecting sexual harassment or sexual misconduct, unjustified or egregious use of physical or deadly force and serious criminal misconduct, related to work.

Additionally, when an employee claims the employer's alleged previous differential treatment of employees for the same or similar conduct is the basis for reinstatement

of an employee who has engaged in misconduct, the following principles apply:

- Some misconduct is so egregious that no employee can reasonably rely on past treatment for similar offenses as justification or defense to discharge or other discipline.
- Public Managers have a right to change disciplinary policies at any time, notwithstanding prior practices, if reasonable advance notice is given to affected employees and the change does not otherwise violate a collective bargaining agreement.

### **Discharge Procedure**

#### **Pre-Discharge Conference**

If the Board of Directors determines there is cause for the serious discipline up to discharge of an employee, the Board of Directors shall notify the employee of the specific reasons and that a suspension without pay, demotion, pay reduction, and/or discharge is being considered.

The employee shall be provided with the facts upon which the contemplated disciplinary actions would be based. The Board of Directors shall afford the employee a formal opportunity to refute the charges orally or in writing. Once the employee has been afforded an opportunity to refute the charges and explain the facts and circumstances, the employee may be suspended without pay. An employee may be put on administrative leave without pay at any time. If a pre-discharge conference is to be held, it will

be scheduled and held three [3] days after notice of action has been given. The employee will be given adequate time to develop a response and to seek necessary outside assistance as the employee feels necessary. The time limits may be varied by the District to meet individual needs.

### **Education and Training Policy**

The District encourages continued education and training for employees to enhance job performance and assist in potential career advancement within the District. The District shall provide such in-service training as deemed necessary and beneficial to the delivery of services and performance of duties.

Employees may request compensation for the costs of college-level, technical or other academic course work, seminars, and conferences relevant to their current or future roles in the organization. Such requests must be made in writing to the Board of Directors for approval prior to the employee's enrollment or participation. Reimbursement for college-level course work will only be made if the employee receives a passing grade. All training activities involving a cost to the District must be approved in advance, in writing.

### **Email/Internet**

The following describes the District's policy on the use and monitoring of its electronic communication/information systems, including computers, electronic mail ("E-mail"), Internet access, voice-mail, facsimiles, and copy machines.

All electronic equipment and all communications and stored information transmitted, received, or contained in the District's electronic communication/information systems are the property of

the District and, as such, are to be used solely for job-related purposes. The use of the District's electronic communication/ information systems for purposes not related to job responsibilities is strictly prohibited, and employees should not have any expectation of privacy when using these systems or any related equipment. The District specifically reserves the right to access, review, monitor and disclose all matters received, disseminated or stored on its systems (including deleted material) at any time and for any reason, and may do so with or without notice.

Employees who use these systems for any non-job related purposes do so at their own risk. The District may decide reasonable use in its sole discretion. Employees are strictly prohibited from using any of the District's electronic communication systems to send messages which may be interpreted as harassing, discriminatory, obscene, derogatory or defamatory. The District's anti-harassment policy fully applies to employees in their use of the District's electronic communication systems.

Only authorized users may access the Internet on District-owned systems and equipment. The District's name should not be used in external communication forums such as chat rooms without prior written authorization from a supervisor. Employees should not mail, upload, or broadcast any sort of information for personal gain, including but not limited to chain letters, solicitation of and response to employment opportunities, sale of products, and/or searches of non-business related sites or any obscene or offensive material.

To prevent computer viruses from being transmitted through the District's Internet system, there will be no unauthorized downloading of software. Employees also should not upload or download information, data, or software which is copyrighted by a third-party.

All passwords and codes are the property of the District and do not guarantee any privacy to the employee. Password protection does not prevent access by the District. Employees shall not use a code, access a file, or retrieve any stored communication, other than where authorized, unless there has been prior clearance by an authorized supervisor. Information in District computers and equipment that is confidential and/or proprietary information cannot be shared with individuals outside of the District without prior clearance from an authorized supervisor.

The use of encryption devices or software that has not been authorized by the District is prohibited.

Any employee terminating employment with the District is prohibited from taking (in any form) or copying any computer discs, hard copies, or other information stored on the District's electronic equipment.

To ensure that the use of the District's electronic communication systems is consistent with the District's legitimate business interests, and to assure compliance with the District's policy, the District specifically reserves the right to access, review, monitor and disclose all components of these systems (including deleted material) at any time and will do so with and without notice.

Employees who violate this policy are subject to disciplinary action, up to and including termination of employment. Action or inaction by the District in response to prior violation(s) of this policy does not constitute a waiver of the District's right to take appropriate action for any subsequent violation. All violations of this policy should be reported to the Manager or Board of

Directors.

### **Employer Provided Cell Phones**

This policy outlines the use of personal cell phones at work, the personal use of District provided cell phones, and the safe use of cell phones by employees while driving.

- **Personal Cellular Phones**

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of District phones (i.e., personal telephone calls are to be kept to a minimum). Excessive personal calls during the workday, regardless of the type of phone used, can interfere with employee productivity and be distracting to others. Employees are asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the District's policy. Flexibility will be provided in circumstances demanding immediate attention. The District will not be liable for the loss of personal cellular phones brought into the workplace.

- **Personal Use of District-Provided Cellular Phones**

Where job or business needs require immediate access to an employee, the District may issue a business cellular phone to an employee for work-related communications. Such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred. Personal long distance calling from the District provided phones is not permitted.

Employees in possession of District equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the cell phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (i.e., 24 hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

- **Safety Issues for Cellular Phone Use**

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use (or have a personal cell phone used during the workday for personal matters) are not to use their cell phones while operating a motor vehicle.

Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment may be provided to facilitate the provisions of this policy. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of disciplinary action, up to an

including termination of employment.

### **Family Medical Leave Policy For Districts with at Least 25 Employees**

Unpaid leave of absence for up to 12 weeks is provided to eligible employees for certain family or medical reasons. This section describes family medical leave under both federal and state laws. If there are greater rights under state law, those state laws will apply. In practical terms, that means in most instances Oregon family medical leave laws will apply for Oregon employees (as coverage is broader under the state laws).

- **Eligibility**

Employees eligible for leave of absence under the Family Medical Leave Act ("FMLA") must have been employed by the District for 12 months or more and have at least 1250 hours of service during the 12 months immediately preceding the leave of absence, which applies to employees working at a site with at least 50 District employees within a 75 mile radius.

Under the Oregon Family Leave Act ("OFLA"), employees must have worked for a covered employer for at least 180 days and worked an average of 25 hours per week in the previous 180 days to qualify for state family leave, who work for a District with at least 25 employees in Oregon (during 20 or more work weeks in the current or preceding calendar year).

Employees taking leave to care for a newborn, adopted, or newly-placed foster child only have to meet the 180 day employment requirement (regardless of the number of hours worked).

- **Qualifying Purposes**

Employees may request family and medical leave for:

- The addition of a child to the family through birth, adoption, or placement by foster care ("parental leave");
- A serious health condition of the employee's spouse, child, or parent, grandparents, grandchildren, parent-in-law and same-sex domestic partners;
- A serious health condition that prevents an employee from performing his or her job.
- Under Oregon law, employees may also request family and medical leave for the care of a minor child who is ill and requires home care, even if the child does not have a serious health condition, provided another family member is not willing and able to care for the child.

In addition to the basic 12-week family leave entitlement, Oregon employees may qualify for additional family medical leave under Oregon law in the following circumstances:

- 12 weeks leave for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- 12 weeks of sick child leave for those employees who take 12 weeks of family leave as

parental leave, provided the child does not have a serious health condition.

- General Provisions

- Notice

Employees are required to give the company 30 days' notice of the need for leave when it is foreseeable. If the reason for the leave is unforeseeable, you must give the company oral notice within 24 hours of when your leave starts and provide written notice within three days of your return to work.

An employee must make a reasonable effort to schedule treatment for serious health conditions in a manner that does not unduly disrupt business operations.

- Twelve-month Leave Period

The leave calculation year for family medical leave is 12 months starting with the first day family leave is taken by the employee (12-month "looking forward" method.)

- Paid, Other Leave to Run Concurrently

Paid leaves and unpaid leaves (e.g., personal leave) run concurrently with unpaid family medical leave where allowed by law. Any accrued paid leave, such as vacation and accrued sick leave, may be substituted for unpaid family medical leave and taken before the remainder of family medical leave is taken as unpaid leave. Sick leave may only be used consistent with the sick leave policy and is generally only available for leaves related to the employee's own illness or injury or, in Oregon, for parental leave purposes.

Leave under OFLA runs concurrently with leave under FMLA in most circumstances.

- Medical Certification

The company will require a medical certification of serious health conditions. The employee will be required to provide the certification in a timely manner. The company will require returning employees to provide a certification of fitness to return to work.

Under Oregon law, employees who use sick child leave on more than three separate occasions in a 12-month leave period may be required to provide medical documentation from the child's doctor to verify that the child was ill and required home care for all subsequent uses of sick child leave in the 12-month period.

- Intermittent/reduced Schedule

Leave generally, intermittent or reduced schedule leave is not available for family leave used for birth, adoption or foster placement. In other situations where intermittent or reduced schedule leave is available, employees may be temporarily transferred to available alternative positions that better accommodate intermittent or reduced schedule leave.

- Reinstatement

Generally, employees returning from leave will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms, unless their former position has been eliminated for bona fide business reasons where the employee may have no reinstatement rights.

Under Oregon law, reinstatement following Oregon family medical leave is generally to the employee's former position, unless the position has been eliminated, in which the employee may be entitled to reinstatement to an available, equivalent job.

- **Continuation of Benefits**

Employees on leave are entitled to continue health benefits on the same terms and conditions as active employees for up to 12 weeks in a leave calculation year. The company will recover premiums paid on behalf of an employee who does not return to work for reasons other than a serious health condition of the employee or family member or other circumstances beyond the control of the employee.

## **HIV Concerns**

### **Non-Discrimination and Harassment**

- **The Disease**

Acquired Immune Deficiency Syndrome (AIDS) is a disease caused by spread of the AIDS virus, Human Immunodeficiency Virus (HIV). Because of the increase of AIDS, AIDS Related Complex (ARC), and (HIV), the District has investigated AIDS concerns and has consulted with experts on this subject. According to current medical evidence available, casual work place contacts among employees and citizens infected with HIV will not result in the transmission of the virus. The nature of the disease and its presence in society warrants a District policy.

- **Purpose of Policy**

The District recognizes that its employees are entitled to a safe working environment. Employees and job applicants who are HIV carriers or are afflicted with ARC or AIDS are entitled to compassion and legal protection against unlawful discrimination. Based on these principles, the District has formulated this AIDS policy to:

- Prevent unlawful discrimination;
- Educate employees about the ways HIV is, and is not, spread;
- Designate a person to whom concerned employees can go for information;
- Insure the confidentiality of information about any employee who contracts the virus;
- Address employment concerns of infected employees;
- Assure that the public is accommodated and that risks to health are minimized;
- Protect the health and safety of all employees through a program of universal precaution;  
and
- Avoid disruption or interference with District business that could result from unfounded health concerns.

This policy addresses the work place and shall be supplemented with any additional protocols found appropriate.

- **Non-Discrimination in Hiring.** The District will not unlawfully discriminate against persons with AIDS, ARC, or HIV on the basis of their handicap. The following practices are to be followed:
  - Job applicants are not to be asked whether they have AIDS or are infected with HIV. They may be asked if they are able to perform all functions of the job, both essential and marginal, with or without reasonable accommodation. Only after extension of an offer of employment (which may be made conditional on ability to perform essential job functions) may the applicant's condition be discussed or the need for any reasonable accommodation be discussed.
  - Job applicants who voluntarily disclose that they have AIDS or are HIV infected shall be asked if they can perform all job functions, but may not be asked about their disability or need for accommodation before extending an offer of employment. The reasonableness of any requested accommodation shall be determined by management.
  - Any applicant known by the District to be handicapped or disabled but capable of performing the duties of the job sought, with or without reasonable accommodation, shall be given the same consideration as other equally qualified applicants.
- **Employee Education.** Employees who are educated about the actual medical risks posed by AIDS and HIV will be safer and more comfortable at work. The District will strive to provide the following sources of education about the transmission of HIV:
  - Informational materials designed to answer specific questions;
  - Videotaped and/or live presentations; and
  - Confidential access to a designated contact person trained to answer questions or obtain additional information.
- Employees are strongly urged to take advantage of these resources.
- **The Designated Contact Person**  
The District will have a designated contact person, who will be trained to address AIDS concerns. At present this person is the Manager
- **Confidentiality**  
The District recognizes that an employee's health concerns are confidential. Employees who have been infected with or exposed to HIV may contact the designated contact person confidentially. Medical information will be kept confidential in separate medical files apart from personnel files, consistent with legal, medical and management practices.

Employees who obtain knowledge that an employee, guest, or other individual utilizing District services is an HIV carrier or is afflicted with ARC or AIDS shall maintain the confidentiality of such information. Failure to do so will result in discipline if the circumstances warrant.

- **Employment Concerns of Infected Employees.** Employees who are infected with HIV or afflicted with ARC or AIDS may contact the designated contact person for confidential information about the potential impact of their condition on their employment. The District will make reasonable accommodations for employees infected with HIV or afflicted with ARC or AIDS, unless it would be an undue hardship to do so or would result in a direct health or safety threat to the individual or other persons. The reasonableness of any proposed accommodation will be determined by management and shall take into consideration the health and safety of all employees. Supervisors are to consult the designated contact person and obtain District authorization before making any employment decision on the basis of an employee's actual or perceived infection with HIV. Unlawful discrimination against such employees on the basis of their disability will not be tolerated.

Upon request, the designated contact person will assist concerned employees in obtaining information about community resources and psychological counseling available to persons with AIDS or HIV and their families.

- **Infected Citizens**  
As a public service organization, the District may not discriminate against citizens on the basis of disability. If uniform body fluid precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person is minimized. The routine activities of citizens in dealings with the District pose no measurable risk of HIV infection to employees. Unlawful discrimination against citizens with or suspected of HIV or AIDS will not be tolerated.
- **Business Disruptions Due to Unfounded Health Concerns**  
If an employee refuses to work with an HIV infected co-worker or serve an infected citizen, and a supervisor decides that the co-worker or citizen poses or posed no threat to the health and safety of others, continued refusal or a failure to work or other disruption of District services may result in discipline including discharge. Harassment of known or suspected HIV carriers is expressly prohibited and may result in discipline, including discharge.
- **Oversight**  
Supervisors are charged with insuring that this policy is adhered to. Complaints concerning any employee's failure to comply with this policy should be brought to the attention of a supervisor, and may be raised by following procedures relating to harassment or to complaints.

### **Job Sharing**

A job sharing position is a regular full-time position that is held by two individuals on an interdependent, shared-time basis. The duties and responsibilities of the single position will be divided so as to provide total coverage by the two partners. The partners will normally divide the required working hours, not to exceed a total of forty (40) hours per week, within a pay period. Each partner in a job sharing position must have, or be capable of having, all the knowledge, skills, and abilities necessary to perform the job.

Job share partners will share the benefits of the regular full-time position. Vacation, sick leave and holiday benefits will be pro-rated on the basis of hours worked. Long term disability and

retirement benefits will be provided to job share partners based on salary received. Job share partners have the same rights and privileges under the retirement plan as regular full-time employees.

Each job share partner receives the same life insurance coverage as other regular full-time employees. The District pays the cost of health and dental insurance for one full-time equivalent position. Accordingly, if a position is job-shared, each partner pays one half of the insurance premium and the District pays the other half, if both wish to receive coverage. If one partner chooses to waive all coverage, however, then the other partner may receive full coverage at no cost.

Job sharing shall be implemented, continued, or terminated at the discretion of the District based on operational efficiency. Specific scheduling arrangements shall be determined by direct supervisor (Board of Directors or Manager.)and should be a function of the needs of the District, the nature of the job, and the desires of the job share partners.

### **Leave Transfers**

Transfer of Sick Leave. Employees who have exhausted their sick and vacation leave benefits may receive a gift of sick leave from other District employees if they require extended time off for illness or injury. In such event the District's only involvement shall be to transfer an employee's sick [or vacation] leave credit in accordance with the employee's request and add it to the sick [or vacation] leave balance of another employee. Employees may donate up to 10% of their accrued sick [or vacation] leave balance. Only employees who have accumulated more than 240 hours may make a contribution, and no employee may contribute more than 40 hours per year to other employees.

### **Vacation Scheduling Time Off**

Employee vacation and out of office schedule will be maintained by the Manager.

No employee may accrue a vacation balance in excess of double the maximum annual accrual. Any employee with the maximum accrued vacation will forfeit additional vacation accruals.

## COMMUNICATIONS AND SOFTWARE SYSTEMS POLICY

Arch Cape Domestic Water Supply District provides electronic communication systems for employees' use in supporting business activities and to assist employees in performing their jobs. These systems include computers, software, electronic mail (e-mail), copiers, fax machines, telephones, voice mail, communication tools and various on-line services. All of these systems are operated and managed based upon this policy. All employees and others outside the company who may use these systems are expected to be aware of and support this policy.

These systems and any other informational, transmission, storage, or retrieval services that the company provides are company tools and are to be used for business purposes only. All system users are responsible for reporting policy infractions immediately.

The use of these systems is not private. The company, within the bounds of current and future laws, reserves and intends to exercise the right to review, audit, intercept, access and search these business systems at will, monitor data and messages within them at any time for any reason, and disclose selected contents without notice or other restrictions. Messages sent through these systems remain the property of the company.

Employees are not to permit any proprietary or confidential information of the Arch Cape Domestic Water Supply District to enter the public domain through electronic transmissions. Examples of the company's proprietary and confidential information are provided in the Confidentiality Policy. Also, these systems shall not be used to receive copyrighted materials, trade secrets, proprietary information, or similar materials from others outside the company without prior authorization.

Any messages or communications used through this system are subject to our anti-harassment, anti-discrimination, and non-solicitation policies. Employees are expected to carefully compose and review the wording, tone and content of communications prior to any transmission.

Employees should know that even when a message is erased from e-mail it is still possible to retrieve and read that message. However, we expected that employees will respect other's privacy and will not retrieve or read communications not intended for them, unless authorized to do so. The use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the company.

In an effort to protect the integrity of our systems, all software used on company computers must be registered. Personal or downloaded software may only be installed after written authorization has been received. A complete virus check of all such software must be made immediately before it is installed on any company computer. A virus check must be made of any disk originating or used on any computer outside the company, prior to use on a company computer. Copying or transfer of company owned software may be done only with the written authorization.

Please be sure to check with your supervisor if you have any questions about the proper use of communication or software systems. Improper use or violations of this policy can result in disciplinary action up to and including termination

**CONFIDENTIALITY STATEMENT**

I hereby state that I shall hold confidential all information regarding the organization and business to which I have access to as an employee of The Arch Cape Domestic Water Supply District

I realize and acknowledge that any breach of this confidentiality agreement on my part shall result in immediate termination of my employment. Further, I realize and acknowledge that any breach of this confidentiality on my part may result in legal action.

This statement shall be effective immediately and shall apply to all information regarding The Arch Cape Domestic Water Supply District its practices, employees, and business operations.

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness Signature*

\_\_\_\_\_

**To Be Completed by Human Resources Representative**  
**HANDBOOK RECEIPT ACKNOWLEDGEMENT FORM**

As an employee of The Arch Cape Domestic Water Supply District, I acknowledge the following:

1. I have received a copy of the Employee Handbook. I understand that the Handbook contains important information about the organization's policies, work rules and my benefits. I also understand that the Handbook outlines my responsibilities as an employee of the organization. I also understand that I have the responsibility to read and understand the information in the Handbook, and to ask my supervisor for clarification of any information I do not understand.
2. I understand that this handbook is not a contract of employment or a guarantee of specific treatment in specific situations. Except for any supplemental safety policies and rules that apply to employees in certain jobs or work areas, or otherwise stated in a written employment contract, I understand that this handbook supersedes all prior handbooks, policies and understandings on the subjects contained in it.
3. I understand that unless stated in an employment contract, the organization has the right to change, modify, add to, substitute or eliminate, interpret and apply, in its sole judgment, the policies, rules, and benefits described in this Handbook. I understand that should the content be changed in any way, the organization will require an additional signed acknowledgement from me to indicate that I am aware of the changes.
4. **Unless otherwise stated in a written employment contract, I understand that my employment relationship with the organization is at-will, which means that either the organization or I can terminate the relationship at any time, with or without reason or notice.**
5. I understand that only the Board of Directors is authorized to make changes in the policies, rules and benefits described in this Handbook and that all such changes must be in writing to be valid. I also understand that only the Board of Directors will ever have the authority to enter into an employment contract, and that all such contracts must be in writing and signed by both parties to be valid.
6. I am aware that I may be given confidential information during the course of my employment, such as customer lists or other information. **I understand that this information is critical to the success of the Arch Cape Domestic Water Supply District and that I may not disseminate or use it outside of the organization workplace. In the event of my termination, either voluntary or involuntary, I understand I may not use this information or communicate it to any other individual, organization or entity.**

I also acknowledge that I have asked for and received clarification on any of the six items listed on this acknowledgement form that I did not understand, before signing it.

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
Employee Name

## HARASSMENT PREVENTION POLICY

The Arch Cape Domestic Water Supply District will not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment. We want to maintain a working environment free from all forms of harassment, whether based upon race, color, religion, ancestry, national origin, age, marital or veteran status, physical or mental disabilities, on-the-job injuries, sex, or any other legally protected characteristic or status.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, disability, or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated in our organization. Retaliating or harassing individuals by making derogatory comments regarding protected statuses or characteristics and any other words or conduct that might create a hostile or offensive working atmosphere are also prohibited.

While all forms of harassment are prohibited, it is our policy to emphasize that sexual harassment is specifically prohibited. Actions are considered to be sexual harassment under the following conditions:

- If submission to the conduct is in any way deemed to be a term or condition of employment;
- If submission to, or rejection of, the conduct is used as the basis for any employment-related decisions;
- If the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Conduct such as sexual or sexist language, jokes or innuendo; nude, profane, or obscene cartoons, drawings or photographs; whistling; staring, inappropriate touching, hugging or kissing is strictly prohibited and are not tolerated at the Arch Cape Domestic Water Supply District.

Each Manager/supervisor has a responsibility to maintain the workplace free of any form of sexual harassment. No Manager/supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Sexual harassing conduct in the workplace, whether committed by Managers/supervisors, non-Managerial employees or outside individuals (vendors, customers, contractors, etc.) is also prohibited. Managers and supervisors are accountable for taking reasonable steps to stop harassment of employees by outside individuals and should follow the established reporting procedure to report such incidents.

This policy covers conduct in the workplace, at social functions sponsored by the organization (such as holiday dinners, picnics, sporting events, etc.), and business functions (such as conventions, trade shows, etc.).

Harassment Prevention Policy - Page 2

Any messages or communications sent or received through our electronic communications systems are subject to our anti-harassment, anti-discrimination, and non-solicitation policies. Please refer to the Communications and Software Systems policy beginning on page (#) of the Employee Handbook for additional guidance. The use of information systems (including e-mail, Intranet, or the Internet) for the display or transmission of sexually explicit images, messages, off-color jokes, or anything that may be construed as harassment or showing disrespect for others, is prohibited.

**Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations.** As an employee of the Arch Cape Domestic Water Supply District you have the responsibility to immediately report any actions or words by a supervisor, co-worker, vendor, customer, contractor or other individual, that you believe to be unwelcome harassment. You should report the incident to your Manager/supervisor, or any other Manager, or to the next level of management, if the complaint involves your direct supervisor or Manager. The Organization will not retaliate against you for filing a complaint or cooperating in an investigation and will not tolerate or permit retaliation by management, employees, co-workers or non-employees such as clients, vendors and contractors.

All complaints of harassment will be investigated promptly and in an impartial manner. Discretion will be used during the investigation in order to maintain as much confidentiality as is possible while still being able to effectively complete the investigation. If you are not satisfied with the handling of a complaint or the action taken by the Manager, then you should bring the complaint to the next higher level of authority. In all cases, you will be advised of the findings and conclusion. Any employee or member of management who is found, after appropriate investigation, to have engaged in harassment of another employee or to have retaliated against an employee for reporting harassment, will be subject to appropriate corrective action, depending on the circumstances, up to and including termination.

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CEO Signature

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Date Posted