

Board of Commissioners

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Workshop Session

November 19, 2024 at 4:00 PM
422 Gateway Ave, Suite 100

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling the Port of Astoria at (503) 741-3300.

*This meeting will also be accessible via Zoom. Please see page 2 for login instructions.

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CHANGES/ADDITIONS TO THE AGENDA
5. PUBLIC COMMENT
This is an opportunity to speak to the Commission for 3 minutes regarding any topic. In person, those wishing to speak must fill out a public comment form. Those participating via Zoom may raise their hands during the public comment period.
6. ADVISORY
 - a. Discuss Finance Committee Role
 - b. Terry’s Plumbing Lease
 - c. City of Warrenton Mitigation Update
7. ACTION
 - a. City of Warrenton Letter of Support 3
 - b. Personnel Policies Update 4
8. COMMISSION COMMENTS
9. EXECUTIVE DIRECTOR COMMENTS
10. UPCOMING MEETING DATES
 - a. Regular Session – December 3, 2024 at 4:00 PM
 - b. Workshop Session – December 17, 2024 at 4:00 PM
11. ADJOURN

Please Note:

Agenda packets are available online at: <https://www.portofastoria.com/CommissionMeetings/AgendaMinutes.aspx>

Please allow time for the normal posting procedure for agendas and meeting packets.



Board of Commissioners

HOW TO JOIN THE ZOOM MEETING:

Online: Direct link: <https://us02web.zoom.us/j/86905881635?pwd=amhtTTBFcE9NUElxNy9hYTZFPQTizQT09>
Or go to [Zoom.us/join](https://zoom.us/join) and enter Meeting ID: 869 0588 1635, Passcode: 422

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Date

Dear EPA Grant Administrator:

I am writing in support of the City of Warrenton's new Wastewater Treatment Plant project, and their request for EPA Clean Water Act grant funding.

The City of Warrenton is looking to replace the existing Wastewater Treatment Plant, which does not have the capacity to adequately serve the Warrenton community as it continues to grow. Since 2016 the City has started to see the population growth and DEQ requirements place strain upon the existing plant leading to today's nearly full capacity and issues with keeping up with the City's clean water requirements.

The proposed new treatment plant will be a membrane treatment system which will drastically reduce, and even eliminate, issues with compliance, as well as add capacity for all those currently served by the City of Warrenton's treatment plant, both inside and outside city limits. This will also serve future needs as the City of Warrenton continues to grow as one of the fastest growing cities in Clatsop County. The City of Warrenton is a vibrant community that is ever-growing. The City has housing development projects to welcome more residents, and the City serves larger businesses and community partners such as the Port of Astoria, which has facilities located in the City of Warrenton.

Much of the City of Warrenton is located within, or near an estuary. The City of Warrenton recognizes the fragility of these estuarine ecosystems, and knows the importance of mitigating and preventing harm to these ecosystems where possible. With the new Wastewater Treatment Plant, the City will be able to ensure the highest level of compliance with environmental and DEQ standards.

The plan for a new wastewater treatment facility includes removal of solid waste, infrastructure, and using existing footprint for deeper basins and the membrane treatment.

As Warrenton continues to expand, the need for a new, efficient and state-of-the-art Wastewater Treatment Plant is vital to continue to treat the wastewater effectively, and continue to provide excellent quality of life for all City of Warrenton residents and community partners.

Please consider awarding this grant in support of these efforts.

Sincerely,

To: Port of Astoria Board of Commissioners
From: Finance Department
Date: November 14, 2024
Subject: Summary of 2024 Personnel Policy Updates

Dear Commissioners,

Please find below a summary of the recent updates to the Personnel Policies, effective November 2024. These revisions are necessary to keep up with evolving legal standards, adapt to changes to Oregon leave programs, and maintain grant compliance. Additional changes have also been made to improve clarity in our policies. All revisions have been reviewed by an attorney and have undergone extensive reviews by staff.

Key Technical Updates:

1. General Policies

- Any reference to a “probationary period” was eliminated (formerly section 1.4).
- Employee classifications were refined to specify thresholds for full-time (30+ hours per week), part-time (20-29 hours per week), temporary, and on-call employment.

2. Employee Relations

- Expanded anti-harassment and retaliation provisions (Section 2.2) now include clear definitions of protected classes and actionable examples. Policies outline specific reporting and documentation procedures under the Oregon Workplace Fairness Act.
- Updated workplace accommodation guidelines (Section 2.3) explicitly cover pregnancy-related conditions, consistent with the Pregnant Workers Fairness Act.

3. Payroll and Scheduling

- Clarified scheduling for mandated rest breaks for non-exempt employees (Section 3.3). Paid breaks were changed from 15 minutes to 10 minutes to align with BOLI requirements. Language about “mini breaks” was eliminated.
- Added provisions for lactation breaks (Section 3.5), specifying reasonable accommodation and privacy requirements under Oregon law.
- Added an Inclement Weather and Emergency Closures policy (Section 3.7).
- Added a Remote Work Policy (Section 3.8), allowing for temporary or ad-hoc remote work arrangements only under specific circumstances, such as inclement weather or personal emergencies, with supervisor approval.
- More clearly outlined a Safe Harbor policy (Section 3.12) for exempt employees regarding improper deductions.

4. Benefits and Leaves

- Clarified criteria for Annual Payout Option (Section 4.2.3) of vacation time to include “after first year of employment”.
- Juneteenth was added to list of designated holidays (Section 4.3.1).
- Utilization criteria for Sick Leave (Section 4.4.2) was updated with new definition for relationships by “blood of affinity”.



- Sick Leave Payment Upon Termination or Retirement (Section 4.4.6) has additional clarification for retirement with added language “Upon *normal retirement with unreduced benefits*...”.
 - Family Medical Leave (FMLA) and Oregon Family Leave (OFLA) policies have been updated (Section 4.5) to explicitly outline eligibility, leave duration, and specific provisions for military family leave and sick child leave.
 - New provisions under the Paid Leave Oregon (PLO) program (Section 4.7) outline employee contributions, qualifying events, and wage replacement benefits. The policy also specifies notification requirements, documentation, and coordination with other leave types, ensuring compliance with state mandates.
 - Paid Bereavement Leave (Section 4.11) has added criteria of three days “per calendar year”.
 - Unpaid Personal Leave of Absence (formerly Section 4.13) was struck in its entirety.
- 6. Employee Responsibilities**
- Code of Ethics was updated to include specific policies for contract awards (Section 6.3.2) and Disclosure (Section 6.3.4).
 - Policies on Gifts and Gratuities (Section 6.3.3) was updated with specific code references.
 - A new Conflict of Interest Resolution policy (Section 6.4) was added.
 - A Social Media Use policy was added (Section 6.6).
 - Personal Appearance (Section 6.9) has expanded language related to clothing choices.
- 7. Substance Abuse**
- References to Employee Education as it relates to substance abuse and assistance with treatment programs (formerly Section 7.4) were eliminated.
 - Definitions under Confirmatory Test were updated (section 7.9.4).
 - Criteria of “safety sensitive” positions was added to Section 7.10 Pre-Employment Screening.
- 8. Employee Separations and Disciplinary Actions**
- Under Layoffs (Section 8.1), a reference to “probationary employees” was struck and language was added to layoff criteria specifying that “criteria may differ”.
 - The section for Grievance Procedures for Non-Bargaining Unit Employees (formerly section 8.4) was struck in its entirety.

Appendix A Sick Leave Donation Policy

- Sick leave donation program has additional eligibility criteria for recipients of no more than 160 hours per calendar year and ineligibility for Paid Leave Oregon.

Also included are the following supplemental policies, which apply to specific departments/positions within the Port:

- Airport On-Call and Holiday Policies
- Security Gate Guard On-Call Policies

Please feel free to reach out for further discussion or clarification regarding these updates.

Melanie Howard, Finance/HR Director



PERSONNEL POLICIES

November 2024

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1.0 OVERVIEW AND GENERAL POLICIES

1.1 Purpose of Personnel Policies

These policies provide rules and regulations for all employees of the Port of Astoria (referred to as the “Port” for personnel administration). They are intended to set a general framework for effective personnel administration.

In the event of a conflict in language, interpretation, application of a collective bargaining agreement, where specific collective bargaining agreement language or written employment contract differs from these rules and regulations, the language contained in the collective bargaining agreement shall take precedence over the rules and regulations in the policies for any employee covered by such collective bargaining agreement or written employment contract.

These policies replace and supersede all pre-existing policies, procedures or orders relating to personnel matters of the Port and its employees. Department Heads should ensure that existing department policies and procedures are consistent with this Manual.

1.2 Introduction

This Manual contains statements of personnel policies and procedures. It is designed to establish guidelines for supervisory and staff personnel in the day-to-day administration of the Port to provide employees an understanding of expectations, and to ensure consistent, fair and uniform treatment of Port employees.

The Port reserves the right to revise 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 express or implied contract, or to give rise to a binding past practice under any collective bargaining agreement.

The Port is an “at-will” employer to the fullest extent permissible under federal, state, or local laws but subject to contractual conditions which arise from a negotiated collective bargaining agreement, individual employment contract, or any due process protections afforded by law. Therefore, the Port and its employees each have the right to end the employment relationship, with or without cause or prior notice, at any time, for any reason not prohibited by law or contract terms. Further, except as might be approved in writing by the Commission, no employee or representative of the Port has the authority to enter into an agreement for employment for a specified period of time, or to make any agreement with the Port contrary to these Commission-approved policies.

Each employee has the right to notify the Executive Director of problems or to suggest improvements in these policies. A recommendation for revision to the Port’s employment policies may be submitted to the Commission by the Executive Director for consideration.

The Port may vary or modify any personnel policy, on a case-by-case basis, if found that strict application of the policy is impractical or would result in hardship to the Port. Policy exceptions will not be construed as a binding modification to the policy or past practice in the future.

None of these policies are intended to, nor will they be applied by the Port to, limit or prevent an employee or group of employees from exercising any rights to engage in collective bargaining and/or concerted activity that may be provided by applicable state and/or federal law.

1.3 **Personnel Administration Generally**

The Commission has ultimate authority over all matters of personnel administration through adoption and implementation of the Port budget, compensation and benefits plans, collective bargaining agreements, and ordinances and resolutions adopting and/or revising the personnel policies and related Port rules and regulations.

The Executive Director is charged with the responsibility of interpretation, application, and implementation of the policies adopted by the Commission.

The Executive Director may specifically delegate in writing authority for enforcement of rules and policies.

The Executive Director shall be responsible for the effective implementation of rules and regulations and may establish, revise, or otherwise modify administrative rules and regulations pursuant to Commission policies and shall advise the Commission of changes concerning these rules and regulations. The Commission delegates to the Executive Director broad discretion in all aspects of personnel and labor relations, subject to the advice and directives of the Commission.

1.4 ~~**Probationary Period**~~

~~New, rehired and promoted employees shall serve a probationary period of six (6) months commencing with their first day of employment or promotion. For non bargaining unit positions, the Port may extend the duration of the probationary period up to six (6) additional months if, in its discretion, it determines that such an extension is appropriate.~~

~~Probation is part of the selection process, and an evaluation period used to confirm suitability and fit. During this evaluation period, the employee and the Port will have an opportunity to determine whether there is a suitable fit to the position and/or further employment with the Port is appropriate.~~

~~The employment relationship with the Port remains at will at all times, including during the probationary period, unless governed by a collective bargaining agreement or written employment agreement, and subject to any due process protections that may apply. 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 Port.~~

1.51.4 Employee Classifications

All employees are classified as either exempt or non-exempt and also as regular full-time, regular part-time, ~~or temporary/contract,~~ or on-call. These classifications, explained below, are used for salary administration and other personnel matters.

1.54.1 Regular Full-Time Employees. An employee whose regularly scheduled hours are ~~forty (40)~~ at least thirty (30) hours a week ~~and who has completed the probationary period~~ is considered a regular full-time employee.

1.54.2 Regular Part-Time Employees. An employee who is regularly scheduled to work ~~between twenty (20) and forty (40)~~ less than (30) hours per week is considered a regular part-time employee ~~once the probationary period is completed. Part-time employees are generally ineligible for employer-paid benefits or vacation.~~

1.54.3 Temporary & Contract Employees. Temporary and contract employees are defined as those employees holding jobs of limited duration arising out of special projects, seasonal/temporary needs, abnormal workloads or emergencies. Temporary employees are ineligible for employer-paid benefits, ~~sick leave~~ or vacation.

1.4.4 On-Call Employees. An employee who does not have a set schedule and works only when called upon. On-call employees are ineligible for employer-paid benefits or vacation.

1.61.5 Employment of Relatives

Oregon Law (ORS 659A.309) prohibits an employer from refusing to hire or from terminating an individual “solely because another member of an individual’s family works or has worked for that employer.” However, the Port is not required to hire or to continue employment of an individual when this would:

- (a) Place either family member in a position of exercising supervisory, appointment or grievance adjustment authority over the other family member;
- (b) Cause the Port to violate a federal or state law or rule;
- (c) Cause the Port to violate the conditions of eligibility for financial assistance for federal or state government; or
- (d) Cause the Port to disregard a bona fide occupational requirement reasonably necessary to the normal operation of the employer’s business.

For purposes of this policy “member of an individual’s family” means: husband, wife, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, or stepparent or stepchild of the individual.

1.71.6 Driving Record

Employees operating a vehicle or equipment for the Port must have a valid driver’s license and must comply with any license restriction. All employees required to drive on Port business may have their driving record checked by the Port at any time, and by accepting employment have provided consent to have their driving record accessed by the Port. If the record indicates moving violations, the employee may be subject to appropriate warnings or disciplinary action. As a condition of continued employment, each employee who operates Port vehicles must maintain a current driver’s license and a personal driving record which is within risk criteria, if any, established by the Port’s insurer. Job applicants’ driving records are checked prior to being hired as a condition of employment.

Employees who may be required to drive as part of their job shall notify their supervisor of any changes in license status, and all traffic violations. Failure to report a traffic violation or change in license status in accordance with this policy is a violation of this policy. The Port may monitor driving records as a component of risk management, in order to identify need for driver improvement.

1.81.7 Personnel Records

Personnel records are considered confidential. Occasionally, the Port receives requests for information for your personnel records as part of court proceedings or government activities. It is ~~our~~the Port’s policy to respond to all such requests to the extent ~~we are~~the Port is required to do so by law. In all other situations, ~~we~~the Port generally will provide only your job title, salary, and verification of employment dates, unless you specifically authorize ~~us~~the Port in writing to release additional information.

When you move, change your telephone number, have a marital or dependent change, or have other changes in your personal information, please keep the Human Resource Manager informed of such changes so ~~we~~the Port may keep your personnel records and insurance accurate and up-to-date. It is your responsibility to see that ~~we have~~the Port has your current address and phone number, so that ~~we~~the Port can communicate with you as needed.

While employed, you may review your personnel file at any mutually convenient time. If you wish to do so, please notify the Human Resource Manager, so that a specific time may be scheduled when appropriate personnel will be available to answer your questions. Examination of personnel files will generally be limited to normal business hours. A reasonable charge, not to exceed the actual cost to the Port, will be required for any copies requested by an employee.

2.0 EMPLOYEE RELATIONS POLICIES

2.1 Equal Employment Opportunity

It is the policy of the Port to comply with federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual's sex, race, religion, national origin, age, marital status, political affiliation, veteran status, disability, sexual orientation, gender identity or expression, or other protected class or activity. It is ~~our~~the Port's intent that such factors shall not be a consideration for any of the following: employment, retention, promotion, recruitment or recruitment advertisement, rates of pay or other forms of compensation, administration of benefits, selection for job or management training, and demotion or separation. All matters related to employment are based upon the ability to perform the job, plus dependability and reliability once hired.

Any violations of this policy must be immediately brought to the attention of the Human Resource Manager or the Executive Director.

2.2 Discrimination, Anti-Harassment and Retaliation Policy

The Port is committed to providing a supportive and positive work environment that is free of discrimination and harassment against any person on the basis of age, race, color, sex, sexual orientation, gender identity or expression, national origin, religion, marital status, disability and/or veteran status or any other category protected by federal, state, or local law. Harassment or intimidation of any kind by or toward another employee or any other person (including a customer or vendor/supplier), or harassment of any person not associated with the Port by use of Port relationships, resources or assets, will not be tolerated. Conduct that the Port determines to constitute a violation of this policy may result in the strictest disciplinary action.

All employees of the Port should have the expectation that they work in a professional environment and that the Port promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. This policy therefore prohibits any conduct at work that a reasonable person in the individual's circumstances would consider unwelcome, intimidating, hostile, threatening, violent, abusive, or offensive. It also prohibits employment actions, including hiring, promotion, termination, and compensation decisions, to be taken based on a protected characteristic. This policy also prohibits any form of retaliatory action toward an employee for filing a complaint of discrimination or harassment, or for participation in an investigation of a complaint.

The Port expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment in the workplace, at work-related events, or any activity coordinated by or through the organization.

2.2.1 Applicability. This policy applies to all employees, elected officials, board or Commission members, volunteers, interns and any other person ~~we~~

~~interact~~interacted with in the course of accomplishing the work of the organization. This policy applies to conduct at the workplace and at work-related events, including business trips, off-site Port meetings, and Port-related social functions.

This workplace harassment policy has been developed to ensure that all employees can work in an environment free from unlawful harassment, discrimination and retaliation. The Port will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately.

2.2.2 ~~Sexual Harassment~~ and Discrimination. Sexual harassment is ~~one a~~ form of workplace harassment. ~~It is a violation of state and federal law and will includes, but is not be tolerated. Sexual harassment, as defined by limited to, the Equal Employment Opportunity Commission and stated below, is expressly prohibited following types of conduct:~~

- ~~“Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) such conduct is directed toward an individual because of that individual's sex and submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment; (2) or submission to or rejection of such conduct by an individual is used as a the basis for employment decisions affecting such that individual;~~
- Unwelcome verbal or (3) such physical conduct has that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, hostile or offensive working environment.”

~~Equal Employment Opportunity Commission, 29 C.F.R. Part 1604, “Guidelines on Discrimination Because of Sex.”~~

~~The definition of sexual harassment includes many forms of offensive behavior and can include gender based harassment of a person of the same sex as the harasser. Conduct which may be considered in violation of this policy includes, but is not limited to:~~

- ~~Unwanted sexual advances;~~
- ~~Making or threatening reprisals after a negative response to sexual advances;~~
- ~~Visual conduct, including leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters;~~
- ~~Verbal conduct, such as making or using derogatory comments, epithets, slurs, or jokes;~~
- ~~Verbal sexual advances or propositions;~~

- ~~Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, or sexually degrading words used to describe an individual;~~
- ~~Suggestive or obscene letters, notes, or invitations; and/or~~
- ~~Inappropriate physical conduct, including touching, assaulting, impeding, or blocking movements.~~

~~This policy also includes and is intended to strictly prohibit sexual assault, whether in the workplace or outside the workplace at work-related events, including business trips, off-site business meetings, and work-related social functions. Sexual assault means Sexual Assault is unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation, or a sexual offense has been threatened or committed as described in Oregon's criminal statutes., or intimidation.~~

~~Unwelcome~~

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

- ~~Physical harassment, including but not limited to unwelcome physical contact such as touching, impeding or verbal, that creates an intimidating, hostile blocking movement, or any physical interference with work;~~
- ~~Verbal harassment, including but not limited to disparaging or disrespectful comments, jokes, slurs, innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and derogatory insults;~~
- ~~Nonverbal harassment, including but not limited to suggestive or insulting sounds, obscene gestures, leering or whistling;~~
- ~~Visual harassment, including but not limited to displays of explicit or offensive calendars, circulation of derogatory content, posters, pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person; or~~
- ~~Sexual harassment, as described above, including but not limited to unwelcome sexual advances, requests for favors in exchange for conduct of a sexual nature, submission to unwelcome conduct of a sexual nature in exchange for a term of employment, or other conduct of a sexual nature.~~

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

~~Any complaints regarding violation of this policy prohibiting harassment should be raised pursuant to the Complaint Procedure section below. Harassment,~~

particularly sexual harassment, can be difficult to define. For this reason, the Port strongly urges you to use the Port's Complaint Procedure without worrying about whether the conduct involved would be considered harassment from a legal sense. If you consider the conduct to be harassment, report it. This policy is intended to assist the Port in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate. The Port's policy prohibiting harassment applies to all conduct on Port premises by any supervisor, manager, coworker, contractor, consultant, subordinate, vendor, client, patron, or customer, and to all conduct off Port premises that affects an employee's work environment is prohibited. Violations of this policy by vendors, patrons, clients, or customers should also be raised pursuant to the Complaint Procedure section below.

Violations of this policy are serious offenses and any employee found to have engaged in such conduct is subject to discipline, up to and including termination.

2.2.3 Other Forms of Harassment. This policy applies not only to complaints and investigations of sexual harassment and intimidation, but to all other forms of harassment and intimidation based on age, race, sex, sexual orientation, national origin, religion, marital status, disability, veteran status, or any other category protected by federal, state, or local law.

2.2.4 Reporting Harassment. ~~As an Complaint Procedure/Oregon Workplace Fairness Act. The Port complies with all relevant provisions of the Oregon Workplace Fairness Act. Any employee of the Port, you are also responsible for keeping who feels that he or she has been the work environment free of subject of a violation of the Port's policies prohibiting discrimination, requiring accommodation, prohibiting harassment. If you believe you are experiencing harassing behavior or are aware, and prohibiting retaliation, or who has observed a violation of any such behavior, you must of these important policies, should promptly report any such violation to the Port. All employees of the Port should also document, in writing, any incidents or conduct potentially violating these policies and should promptly take the following steps:~~

- Only if you are comfortable doing so, politely but firmly confront whoever is engaged in the policy violation. State how you feel about his or her actions and request that the person cease the violation immediately notify.
- If the violation continues or if you don't feel comfortable confronting the person, report the matter to your manager or immediate supervisor of the behavior. Note: Incidents involving violence or threats of violence should always be reported immediately to any supervisor or the Human Resources Manager. If you feel that you cannot talk directly to are not comfortable reporting the conduct to your supervisor, or if your supervisor is responsible for the behavior, notify the Human Resource Manager or the the report may be given directly to the Human Resources Manager. Employees may report to

any of the persons listed above and need not observe any particular chain of command.

- Orally or in writing, state specific details of the behavior constituting the violation. It is helpful if complaints are filed with the Port within thirty (30) calendar days of the alleged act. It is also helpful if details of dates, times, places and witnesses, if any, of the violation can be provided. Complaints should include the name of the complainant, the name of persons alleged to have engaged in the conduct violating the Port's policies, a specific and detailed description of the conduct that the employee believes violates the Port's policies, and a description of the relief that the employee desires.

All complaints will be investigated promptly and impartially. The recipient of the complaint shall promptly forward it to the Human Resources Manager or Executive Director for investigation. Complaints will also be kept confidential to the extent possible, consistent with the Port's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the Port will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

~~You are also encouraged to identify the offensive behavior to the person engaging in the behavior and request that it stop. Even if you have addressed the issue with the person engaging in the behavior, you are required to let your supervisor know about the situation, so that the Port can follow up with any measures it considers appropriate. If your supervisor is the source of the concern, then report it to the Human Resource Manager or the Executive Director.~~

~~Upon receipt of a report of prohibited discrimination, harassment, or sexual assault, the manager who received the report will provide a copy of this policy to the employee.~~

~~2.2.5 No Retaliation. No employee will be retaliated against for making a harassment complaint in good faith, or for participating or otherwise assisting in an investigation of such a complaint in good faith. If you believe you have been retaliated against in violation of this policy, you must report it to your supervisor, the Human Resource Manager, or the Executive Director. If your supervisor is the source of the concern, then report it to the Human Resource Manager or the Executive Director.~~

~~2.2.6 Internal Complaint Procedure. Individuals who believe they have been the victims of conduct prohibited by this policy, or believe they have witnessed such conduct, should discuss their concerns with the Human Resource Manager. If they are unable to reach the primary contact, please reach out to the Executive Director. We encourage employees to document the event(s), associated date(s), and potential witnesses.~~

~~The Port encourages the prompt reporting of complaints or concerns, so that action can be taken quickly. Early reporting and intervention are very often the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four (4) years of the alleged violation. We encourage employees to document the events, associated dates, and potential witnesses.~~

~~Any reported allegations of harassment, discrimination or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.~~

~~The Port will maintain confidentiality throughout the investigatory process to the extent possible with acceptable investigation and appropriate corrective action.~~

~~Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include training, referral to counseling or corrective action. Examples of possible corrective action may include a warning, written reprimand, reassignment, temporary suspension without pay, or termination as the Port believes appropriate under the circumstances.~~

~~Retaliation against any employee who initiates a complaint under this section or participates in an investigation is strictly prohibited. Please report any retaliatory conduct immediately to the Human Resources Manager.~~

~~Violations of the Port's policy prohibiting discrimination, accommodation policy, policy prohibiting harassment, and policy prohibiting retaliation are serious offenses and any employee found to have engaged in such conduct is subject to severe discipline, including termination.~~

~~Offenses by vendors, clients, or customers should be reported through this complaint procedure and corrective action, if appropriate, will be handled through the offender and his or her company.~~

False and malicious complaints of harassment, discrimination or retaliation, as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Following receipt of a complaint or concern, the Human Resource Manager will follow up with the individual employee, or employees, who expressed the concern, every three (3) months for one (1) year to ensure no further concerns or retaliation are experienced. However, employees should not wait for the Human Resource Manager follow-up to share related experiences. If an employee would like the Human Resource Manager to discontinue the follow-up process, a request must be submitted in writing to the Human Resource Manager.

~~2.2.7 No Limitation of Remedies.~~2.2.5 No Retaliation. No employee will be retaliated against for making a harassment complaint in good faith, or for participating or otherwise assisting in an investigation of such a complaint in good faith. If you believe you have been retaliated against in violation of this policy, you must report it to your supervisor, the Human Resource Manager, or the Executive Director. If your supervisor is the source of the concern, then report it to the Human Resource Manager or the Executive Director.

2.2.6 No Limitation of Remedies/Time Limitations. Nothing in this policy prevents a complainant from filing a formal grievance in accordance with a collective bargaining agreement, if applicable, or a formal complaint with the Oregon Bureau of Labor and Industries (BOLI), or the Equal Employment Opportunity Commission (EEOC) and/or any other state or federal agency responsible for enforcing laws governing prohibited discrimination, harassment, and retaliation in education, employment, and patient care related activities and services. However, bargaining unit employees should be aware that some union contracts require the member to choose between the complaint procedure outlined in the contract and filing a BOLI or EEOC complaint.

A complaint filed by an employee with BOLI alleging an unlawful employment practice as described in ORS 659A.030 (prohibiting discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age or expunged juvenile record), 659A.082 (prohibiting discrimination and mandating leave for certain military service), 659A.112 (prohibiting discrimination against individuals with disabilities), or unlawful harassment, sexual assault or a violation of the additional protections for victims outlined above, must be filed no later than five (5) years after the occurrence of the alleged unlawful employment practice.

In addition to the above, nothing in this policy prevents any person from seeking remedy under any other available law, whether civil or criminal.

~~2.2.8 Employment or Settlement Agreements.~~2.2.7 Nondisclosure, Nondisparagement and No-Rehire Provisions. Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or invited to sign an agreement requiring the non-disclosure of information related to discrimination, or sexual assault as a condition of employment, continued employment, promotion, compensation, from talking about or the receipt of benefits. disclosing his or her experience.

If an employee who has been aggrieved by workplace harassment, discrimination, or sexual assault wants to enter into a settlement, separation, or severance agreement with the Port, the employee should contact the Human Resources Manager. The employee's request this type of to enter into such an agreement and, upon must be in writing (email or text is acceptable).

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

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

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

The Port will not require a former, current or prospective employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request, to enter into a settlement, separation, or severance agreement which contains a nondisclosure, nondisparagement, or no-rehire provision and will be provided have at least seven (7) days to change their mind revoke any such agreement. The Port will not offer a settlement on the condition of a request for these terms.

2.2.98 Protected Communications and Documentation. This policy is not intended to restrict communications or actions protected or required by state or federal law. A victim of harassment may voluntarily disclose information regarding an incident of harassment that involves the victim.

Anyone who observes or experiences what they believe to be incidents of discrimination, harassment, or sexual assault are also encouraged to document such incidents.

2.2.109 Additional Employee Support Services. Employees may choose to use the Employee Assistance Program (“EAP”) benefits available to them through the Port’s group health policy, and related services throughout and following instances related to concerns and complaints. In addition, there are victims’ resources available from Human Resources.

Any employee who has questions or concerns about these policies should talk with the Human Resource Manager and as an alternative, the Executive Director.

2.3 Workplace Accommodation (Including Pregnancy Accommodation)

The Port’s commitment to nondiscrimination includes providing reasonable accommodations to employees and applicants with disabilities, in accordance with

applicable laws. These same protections apply to employees or applicants who may require accommodation as a result of a pregnancy-related condition ~~or~~, religious belief or practice, or domestic violence. Any employee who believes they may require an accommodation in order to perform the essential functions of the job should contact the Human Resource Manager to evaluate the request for such an accommodation. In making any request, the individual with the disability should specify what accommodation he or she needs to perform the essential functions of the job.

As permitted by law and depending on the nature of the accommodation requested, the Port may request medical opinions to verify the need for such accommodations, identify potential alternative accommodations, or to determine whether continued work would pose a safety or health risk where appropriate. Such information will be treated as confidential, except to the extent that others need to know to evaluate the request or to implement any approved accommodations.

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

In accordance with Oregon's pregnant worker protections and the federal Pregnant Worker Fairness Act, the Port also will not, on the basis of pregnancy, childbirth, or related medical condition:

- Deny employment opportunities to an applicant or employee;
- Fail to make reasonable accommodation that would not impose any undue hardship on the operation of the Port;
- Take adverse employment action against an employee;
- Require an employee to accept a reasonable accommodation that is unnecessary to perform the essential duties of the job; or
- Require the employee to accept a reasonable accommodation if the employee does not have a known limitation, or requiring the employee to take any other leave if the Port can make reasonable accommodation.

Reasonable accommodation for such employees may include, but is not limited to:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor;

- Modification of work schedules or job assignments; or
- Leave to recover from childbirth or other medical conditions related to pregnancy or child birth.

Upon notification by an employee of the employee's pregnancy, the Port will provide the employee written notice of their right to reasonable accommodation within ten (10) days of receipt of such notice. An accommodation that creates an undue hardship on the Port or which endangers health or safety is not a reasonable accommodation. Any additional requests for accommodation under this policy should be presented to the Human Resources Manager as soon as possible.

The Port will not condone or allow any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation under this policy in good faith. If an employee feels that they, or another employee, may have been subjected to retaliation or other conduct that violates this policy, report it immediately to the Human Resource Manager or the Executive Director.

2.4 **Workplace Violence**

The Port holds in high regard the safety, welfare, and health of ~~our~~the Port's employees. Therefore, the Port has a policy of zero tolerance for violence. If employees display any violence in the workplace or threaten violence in the workplace, they will be subject to immediate termination. No talk of violence or joking about violence will be tolerated. Threats, threatening behavior, acts of violence, or intimidation against employees, visitors, or other individuals by anyone on Port property will not be tolerated.

Weapons of any kind are prohibited on Port property (including parking lots), except in the possession of authorized law enforcement. The Port reserves the right to inspect all packages, lockers, automobiles, and other items on Port property.

The Port defines "violence" to include physically harming another, shoving, pushing, harassment, intimidation, coercion, brandishing weapons, and threats or talk of violence. Employees found guilty of acts or threats of violence will be subject to discipline, up to and including immediate termination.

Employees are required to promptly report to their supervisor any incident that is or may be a violation of this policy, whether or not physical injury has occurred. All reports will be investigated immediately and kept as confidential as possible under the circumstances.

2.5 **Whistleblower Protections**

This policy is intended to outline the procedures to be used in the event that a Port employee becomes aware of potential improper government action in accordance with Oregon Revised Statute 659A.200 to 659A.224.

- 2.5.1 The Port encourages any employee with knowledge of or concern of an illegal or dishonest fraudulent Port activity to report it to your supervisor, the Human Resource Manager, the Executive Director, or designee. The employee may also provide the information to another Port manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if a confidential communication is made in connection with the alleged violation. Attorneys employed by the Port may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. For any employee wishing more information, further details can be obtained from the Human Resource Manager.
- 2.5.2 The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.
- 2.5.3 Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The Port will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resource Manager or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- 2.5.4 All reports of illegal and dishonest activities received by any Port personnel will be promptly submitted to the Human Resource Manager or designee, who is responsible for investigating and coordinating corrective action.

3.0 PAYROLL AND SCHEDULING

3.1 Workweek and Working Hours

The Port defines the workweek as Sunday thru Saturday. Port offices are generally open from 0800 (8:00 AM) to 1630 (4:30 PM) or 1700 (5:00 PM), Monday thru Friday. Department Heads and employees are expected to accomplish service priorities in a timely fashion within the normal workweek to the greatest extent possible. The hours of employment shall be fixed by the Department Heads.

3.2 Performance Reviews

Wage rates and salaries are based on job responsibilities as well as performance. Regular performance reviews are intended to provide you and your supervisor the opportunity to discuss how well you are meeting expectations, to clarify your job responsibilities, and to explore possibilities for improvement and correction, as well as skills development and advancement. Your performance reviews are also part of your personnel records. ~~We~~The Port may ask that you sign your performance appraisal to indicate that it was reviewed with you, but your signature does not signify that you agree or disagree with ~~our~~the Port's evaluation of how you are doing.

Performance appraisals are usually conducted:

- After ~~your initial probationary period~~the first six (6) months as a new employee or in a new position of responsibility; and
- At least annually thereafter.

They may also be completed at other times for reasons such as: review of individual or department job performance; consideration for promotion; or disciplinary problems.

Wage or salary increases are generally tied to positive performance feedback. However, increases may be granted at any time they are considered appropriate based on merit, increased responsibilities, or changes in market conditions. Similarly, there may be no increase if performance or market conditions do not support one. When employees are being disciplined, wage or salary increases may be withheld or delayed until the disciplinary period is completed.

3.3 Rest Periods

Employees are provided with a ~~15~~10-minute rest period for every four (4) hours of work, so a typical 8-hour shift will include two (2) ~~15~~10-minute rest breaks. Ideally, breaks should occur near the midpoint of each 4-hour work period, but scheduling will be arranged with the supervisor. ~~Normally,~~ Break periods ~~should not~~cannot be used to extend a lunch period, work overtime, or leave early.

~~These rest breaks do not necessarily need to be taken in one extended period, particularly if the work schedule or task does not permit, but may be in periodic mini-breaks that add up to a total of fifteen (15) minutes. Examples of mini-breaks are personal phone calls, eating a snack, personal conversations, and whenever there is no work to do for a few minutes during a work shift. Employees on rest breaks are not permitted to interfere with fellow employees who are continuing to work.~~

Consistent with operating requirements, employees who, at the request of the Port, work two (2) or more hours beyond their regular quitting time shall receive a ~~15~~10-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~~10) minutes total. Rest periods shall not interfere with or be detrimental to the public safety.

You are expected to ensure that you take your breaks during your shift. If you were not able to take any of your required rest breaks, you must notify your supervisor in writing prior to the end of the workday.

3.4 Meal Periods

Non-exempt employees working more than six (6) hours in a day are required to take a thirty (30) minute unpaid meal break two (2) to five (5) hours into their shift. Normally, non-maintenance employees are permitted to take a full 60-minute unpaid meal break. Consistent with operating requirements, meal breaks shall be scheduled at or about the middle of the work shift. If you work a shift longer than fourteen (14) hours, you will have an additional unpaid thirty (30) minute meal period.

You are expected to ensure that you take your meal break during your shift. If you were not able to take any of your required breaks, you must notify your supervisor in writing prior to the end of the workday.

3.5 Lactation Breaks

Employees who are nursing mothers and need to express milk during the workday for a child under eighteen (18) months of age, are allowed as much time as reasonably needed to express milk. Ideally, meal and rest breaks should be used for this purpose. However, if more time is needed, talk to your supervisor and appropriate arrangements will be made for additional time. When taken in conjunction with the “regular” 15-minute break period it will be paid, but any additional time is unpaid.

The Port will help you to find a reasonably accommodating ~~location for your privacy during these breaks. private location within close proximity to your work area where you may express milk concealed from view and without intrusion by other employees or the public. Employees are allowed to bring a cooler or other insulated container to store the expressed milk or store the milk in any onsite refrigerator provided to employees for their use.~~ Consult with your supervisor or the Human Resource Manager for any questions about this policy or for assistance with arranging these breaks.

3.6 Overtime

The regular workweek for non-exempt employees is forty (40) working hours, but occasionally some overtime may be required. Working assigned overtime is an important part of each employee’s job responsibilities. Any overtime work must be authorized by your supervisor in advance. Overtime pay is paid to all non-exempt employees in accordance with applicable law. The overtime rate is one and one-half times the regular rate of pay for all hours actually worked over forty (40) hours in one (1) workweek.

Exempt employees are not entitled to overtime pay ~~or compensatory (comp) time.~~

3.7 Inclement Weather and Emergency Closures

Emergencies such as severe weather, fires, power failures, earthquakes, and other natural disasters can disrupt organizational operations. In extreme cases, these circumstances may require the closing of the Port office or departments.

3.7.1 Closure Types

Facility Closure – refers to the official closing of a Port facility by the Executive Director or designee if the facility is no longer physically accessible, it cannot support operations (due to lack of power, heating and so forth) or other similar circumstances exist.

Public Closure – refers to the official closure of a Port facility to public access by the Executive Director or designee, but the facility remains open and accessible for reporting Port staff.

3.7.2 Closure Notifications. In the event that the Port makes the decision to close the office prior to or after the start of the business day, the closure will be announced via an organization-wide email from the Executive Director or designee. Department managers are asked to respond immediately; those who do not will be individually notified via phone call, text, or in-person notice. It is the responsibility of each department manager to individually notify their staff of the closure in a timely manner.

3.7.3 Closure During Workday. If the Executive Director provides direction to close a facility while an employee is at work or in transit to work as verified by the employee’s supervisor, the employee shall be paid for that full workday or shift. If this decision comes after an employee has left work, or if an employee did not report to work, the employee shall remain in the paid-leave or leave-without-pay status they were in prior to the closure and for the duration of their workday.

3.7.4 Closure Prior to Workday. If a department is closed prior to the beginning of the workday, employees will be paid by the Port for the hours that they were scheduled to work for on that particular day.

3.7.5 Inability to Report to Work or Request for Adjusted Work Schedule. A scheduled employee who is unable to report to work due to inclement weather shall notify their immediate supervisor or manager as soon as practicable. An employee may request to report to work at a later time and/or leave early due to inclement conditions. Work time missed will be charged to the employee’s earned paid leave or leave without pay as appropriate.

3.7.6 Request to Work at Home. An employee may request to work at home during an inclement weather event. The employee’s immediate supervisor or manager has full discretion to approve or deny the request, but will consider the nature of the

employee's job, the operating needs of the work unit and other relevant issues in deciding whether to grant such a request.

3.8 Remote Work Policy

The purpose of this policy is to establish guidelines for remote work within the Port of Astoria. Remote work may be allowed in special circumstances, subject to approval by a direct supervisor.

3.8.1 General Prohibition. Remote work is generally not permitted unless specifically approved by a direct supervisor.

3.8.2 Special Circumstances. Remote work may be allowed in exceptional situations, such as inclement weather, personal emergencies, or other unforeseen events. Employees must seek approval from their supervisor before working remotely.

3.8.3 Approval Process. Employees requesting remote work must submit a written request to their supervisor. Supervisors will evaluate the request based on operational needs, job responsibilities, and individual circumstances. If approved, the supervisor should provide clear guidelines for remote work, including expectations, reporting procedures, and communication channels.

3.8.4 Equipment and Security. Employees working remotely must adhere to the organization's IT security policies. For ad-hoc remote work, the Port of Astoria will not typically provide equipment.

3.8.5 Performance Expectations. Employee working remotely expected to maintain the same level of productivity and performance as when working on-site. Regular check-ins and progress updates are essential.

3.8.6 Termination of Remote Work. Remote work arrangements may be terminated at any time by the supervisor. Employees must promptly return any equipment provided for remote work.

3.8.7 Review and Updates. This policy will be reviewed periodically to ensure its effectiveness and relevance. Any updates will be communicated to all employees.

3.9 Paydays

The Port's scheduled paydays are the 15th and last day of the month. When these dates fall on weekends or holidays, payday is the last regular workday preceding the holiday.

3.10 Payroll Deductions

The Port will make the deductions from your paychecks that are required by law. Among these deductions are your federal, state and local income taxes and your contributions to Social Security, Medicare, applicable retirement programs, and workers' compensation

insurance, as required by law. Other deductions may require your authorization, for example, United Way, Credit Union participation, etc. These deductions will be itemized on your check stub.

The amount of the deductions may depend on your earnings and on the information you furnish on your W-4 form regarding the number of dependent/exemptions you claim as required by law. Any change in your name, address, telephone number, marital status or number of exemptions must be reported to Payroll immediately, to ensure proper withholdings for tax purposes.

You will be notified of any other mandatory deductions to be made from your paycheck, such as court-ordered wage garnishments, whenever the Port is ordered to make such deductions.

3.11 **Errors in Pay**

Every effort is made to avoid errors in your paycheck. If you believe an error has been made, tell your supervisor or payroll representative immediately. He or she will take the appropriate steps to research the problem and to assure that any necessary correction is made properly and promptly.

3.12 **Safe Harbor**

In general, salaries of exempt employees are not subject to reduction because of the quality of work performed or the quantity of work performed. An exempt employee will usually receive his/her full salary (including any vacation taken during that week) for any week in which the employee performs any work.

The Port prohibits any improper deductions from the salaries of exempt employees.—In some instances, an exempt employee’s salary may be subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability;
- full-day disciplinary suspensions for infractions of the Port’s written policies and procedures;
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental, or life insurance premiums; state, federal, or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness, or disability;
- an absence because the employer has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full-or partial-day absences for personal reasons, sickness, or disability.

It is the Port's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the following complaint mechanism exists. First, the employee should report the matter to their Department Head. If the matter is not resolved to the employee's satisfaction, the employee must report the matter to the Human Resource Manager.

3.13 **Time Records**

All non-exempt employees shall record all time worked for the Port. 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 Port business, and in accordance with the Port's payroll procedures. You are responsible for the accuracy and completeness of the information on your time records.

Exempt employees will be required to account for use of any paid or unpaid time off, by reporting use of vacation, sick time, or other absences to payroll in accordance with the Port's regular payroll policies and procedures.

3.14 **Employee Travel Authorization and Reimbursement**

It may occasionally be necessary for you to incur expenses while on approved Port-related travel. Such expenses may include mileage for use of your personal vehicle, other transportation charges, parking, meals, and lodging. Wherever practical, costs should be kept to a minimum and applicable discounts and reduced-rates explored.

All employees of the Port are expected to use good judgment regarding the expenditure of funds for travel expenses, and to timely submit the required documentation as set forth in this policy or otherwise communicated by leadership. Only through teamwork can the cost of travel on Port business be minimized.

Receipts and requests for reimbursement for any approved travel should be turned in to the ~~Finance Director~~accounting department within one (1) week after the travel has been

completed. Failure to submit the required receipts, or to submit them within the time required, may result in loss of reimbursement.

The following general guidelines apply to the reimbursement of employee travel expenses, unless otherwise approved in advance:

- The actual cost of airfare or other long-distance transportation; (coach class air only for domestic travel or business class for overseas travel) necessary to the performance of official business while on travel status will be paid.
- If the employee's personal vehicle is used, the Port will reimburse the employee at the current IRS mileage rate for the actual mileage.
- Expenses for family members or guests who accompany the employee on a trip are not reimbursable.
- While reasonable expenses for meals and other incidentals for pre-approved travel will typically be reimbursed, expenditures for alcoholic beverages are generally not allowed.

3.15 **Employee Education and Training**

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

Employees may request reimbursement 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 Department Head prior to the employee's enrollment or participation. Reimbursement for college-level course work will only be made if the employee's request is approved by the Executive Director and the employee receives a passing grade. All training activities involving a cost to the Port must be approved in writing before the cost is incurred.

3.16 **Final Paychecks**

Final paychecks will be paid in accordance with Oregon law.

4.0 BENEFITS, LEAVES, AND TIME OFF

4.1 **Insurance Benefits**

Unless otherwise stated, the following benefits are available to all regular full-time Port employees:

- 4.1.1 Medical, Dental, and Vision Insurance. Regular full-time employees are eligible to participate in a medical, dental, and vision plan that includes coverage for employees and their eligible dependents. Regular full-time employees become eligible for this benefit after successful completion of the introductory period defined by the applicable plan, which at present is the first day of the month following the month in which you start.

The Port reserves the right to change or terminate contribution amounts, benefits coverage and/or to change insurance companies from time to time, upon notice to the affected employees. At all times, your actual benefit rights are governed by the official insurance plan documents, which are available upon request. Please see the Human Resource Manager for the most updated health insurance plan summaries, premium information and providers.

Employees may opt out of the Port's medical and dental insurance coverage. Employees who select to opt out, will receive \$250 of additional compensation per pay period (\$500 per month). The conditions to doing this are: (1) employee must provide proof of other coverage for the employee and all dependents that were on the Port's plan, (2) employee must sign a waiver that will include the language that they understand that, if they lose the "other coverage," that they will inform the Port and get re-enrolled within thirty (30) days, and (3) employees who sign the special waiver, and opt out, understand that they will then be ineligible for the Port's HRA Plan. The Port's HRA Plan is tied to the Port's medical insurance plan. Employees who sign the special waiver also understand that to reverse the opt out and come back onto the Port's medical insurance plan requires either a "qualifying event" or waiting until the yearly open enrollment period.

- 4.1.2 PERS Retirement. The Port participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. For information about the Port's contributions to employee PERS or OPSRP plans, please see the Human Resource Manager.

- 4.1.3 Prescription Drugs. The Port maintains a prescription drug benefit plan which allows eligible employees to obtain prescription drugs for themselves or their eligible dependents at a reduced cost.

The Port reserves the right to change or terminate the plan, upon notice to the affected employees. At all times, your actual benefit rights are governed by the official prescription plan documents, which are available upon request. Please see the Human Resource Manager for the most updated plan information.

- 4.1.4 Long Term Disability. The Port participates in a long term disability benefits plan that is available to eligible employees as defined by the applicable plan documents.

The Port reserves the right to change or terminate the plan, upon notice to the affected employees. At all times, your actual benefit rights are governed by the official plan documents, which are available upon request. Please see the Human Resource Manager for the most updated plan information.

4.1.5 Retirement Health Insurance. The Port provides medical insurance coverage upon retirement for employees employed between July 1, 1995 and September 18, 2007 with a minimum of twenty (20) years active service and minimum age of 62 years. Employees hired after September 18, 2007 will be required to have a minimum of thirty (30) years of full-time active service upon retirement. This medical coverage shall be a supplement to Federal Insurance (Medicare). In the event retirement is prior to Medicare eligibility, the Employer will furnish the best available supplemental medical insurance to non-bargaining unit employees. Bargaining unit employees will receive the level of insurance specified in the collective bargaining agreement. When retired employees are eligible for Medicare benefits, the Port will furnish supplemental medical insurance for employees hired prior to July 1, 2010. Employees hired after July 1, 2010 are not eligible to receive any supplemental Medicare insurance.

4.1.6 Life Insurance. The Port furnishes employer-paid life insurance benefits for all regular full-time employees.

The Port reserves the right to change or terminate these benefits, upon notice to affected employees. At all times, your actual benefit rights are governed by the official plan documents, which are available upon request. Please see the Human Resource Manager for the most updated benefit information.

4.2 Vacation Benefits

4.2.1 Accrual. All full-time, non-bargaining unit employees having been in the service of the Port for twelve (12) full calendar months are entitled to two (2) weeks of paid vacation as outlined on Appendix B. Thereafter, vacation leave will accumulate as follows (a week being forty (40) hours straight time pay for regular full-time employees and a prorated number of hours for regular part-time employees):

1 year to 5 years	Two weeks
6 years to 10 years	Three weeks
11 years to 25 years	Four weeks
25+ years	Five weeks

Bargaining unit employees will accrue vacation per the schedule shown in the collective bargaining agreement.

4.2.2 Scheduling. Vacations must be approved in advance by your supervisor, are subject to the Port's staffing needs, and will be scheduled on first-come first-served basis.

4.2.3 Annual Payout Option. ~~During~~After the first year of employment, cash payouts of unused and unscheduled vacation time will be allowed up to forty (40) hours per calendar year per employee.

4.2.4 Carryover and Forfeiture. Employees are encouraged to take their vacations in the year earned. Unused vacation will be rolled over from year to year, but in no event will an employee be permitted to accrue more than 300 hours at any one time. All other unused vacation time will be forfeited. Vacation time is typically cashed out at separation from employment unless otherwise specified.

4.3 Holidays

4.3.1 Designated Days. The following days are paid holidays:

New Year's Day	<u>Juneteenth</u>	<u>Thanksgiving Day</u>
<u>M.L. King Jr. Birthday</u>	July 4 th	Day after Thanksgiving
M.L. King Jr. Birthday	<u>President's Day</u>	Labor Day
Christmas Eve		
<u>President's Memorial Day</u>	Veterans' Day	Christmas Day
Memorial Day	<u>Thanksgiving Day</u>	One Floating Day

The holiday dates shall be as designated by the Federal Government except the "floating holiday" which will be taken each year on dates to be decided by mutual agreement of the employee and their supervisor.

Employee shall give their supervisor seven (7) days' notice before taking their "floating holiday." A "floating holiday" must be used by the end of the calendar year and therefore cannot be accumulated or carried over from year to year.

4.3.2 Holiday Pay. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday, provided they would regularly have been scheduled to work that day, in the proportion that their normally scheduled number of hours equals forty (40) hours per week.

4.3.3 Recognition of Day. When a holiday falls on Sunday, Monday shall be observed as the holiday. When a holiday falls on Saturday, Friday shall be observed as the holiday.

4.3.4 Holiday Work. Non-bargaining unit employees who may be required to work on holidays will receive their regular straight time pay in addition to holiday pay. Bargaining unit employee rules follow the collective bargaining agreement.

Eligible veterans may be eligible to decline holiday work on Veteran's Day where it will not cause an undue hardship to the Port in accordance with Oregon law. For

more information about Veteran's Day rights for veterans or to request approval for this particular time off, contact the Human Resource Manager. Where possible, these requests should be made within twenty-one (21) days of the Veteran's Day holiday and the Port may require appropriate documentation of veteran's status.

4.4 Sick Leave

4.4.1 Accrual. All employees are eligible to accrue paid sick leave time. Regular full-time employees accrue eight (8) hours (one working day) for each full month of service, until the employee reaches a cap of 720 hours. Regular part-time, temporary & contract, and Temporary and Contract-call employees accrue at the rate of one (1) hour for each thirty (30) hours worked (sick leave does not accrue during any period of leave or while an employee is on disability leave not covered by workers' compensation), until the employee reaches a cap of 120 hours.

4.4.2 Utilization. Sick leave may be used by an employee for the employee's own sickness or under the following circumstances:

- (a) For medical or dental appointments that cannot be scheduled outside of normal working hours.
- (b) Diagnosis, care, or treatment of the employee's, or the employee's family member's mental or physical illness, injury or health condition including, but not limited to, pregnancy, childbirth, post-partum care and preventive medical care. For purposes of this policy, "family member" is defined as: spouses and domestic partners; biological, adoptive, or foster parents and children; grandparents and grandchildren; parents-in-law; ~~and~~ a person with whom the employee was or is in a relationship *in loco parentis* (in place of a parent-); or any individual related by blood of affinity whose close association with the employee is the equivalent of a family relationship.
- (c) Caring for an infant, newly adopted, or newly placed foster child under 18 years of age, or for an adopted foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability.
- (d) Caring for a child of the employee who is suffering from an illness, injury, or condition that is not a "serious health condition" as defined by applicable law, but one that requires home care.
- (e) Absences protected and defined by Oregon Domestic Violence Leave laws related to domestic violence, harassment, and sexual assault or stalking, including, but not limited to, time to seek law enforcement assistance, to pursue civil or criminal legal remedies, to obtain counseling, or to assist a minor child with obtaining counseling related to an experience of domestic violence, sexual assault, or stalking, and for safety relocation.
- (f) To deal with the death of a family member by attending the funeral (or alternative to a funeral), making necessary arrangements, or for grieving.

- (g) An absence necessitated by closure of the Port, or the school or place of care of the employee's child, by order of a public official due to a public health emergency.
- (h) To care for a family member when it has been determined by a lawful public health authority or by a healthcare provider that the family member's presence in the community would jeopardize the health of others, or when any other law or regulation requires the Port to exclude the employee from the workplace for health reasons.
- (i) As otherwise required by applicable law.

4.4.3 Notice and Documentation. Except in cases of emergency or unexpected illness or injury, notice must be given to the employee's supervisor at least ten (10) days before the need for leave, and whenever possible as soon as the employee knows the sick leave will be required. Absent legitimate emergency situations, notification shall be given to the supervisor prior to the employee's normal starting time. Such notification shall be made by the employee, or by someone designated by the employee when the employee is unable to make such notification. Notification must be given for each and every day of sick leave requested, unless the employee is on an extended period of leave already approved by the Port.

The Port may require appropriate documentation to substantiate the need for leave, where appropriate and permitted by law.

Employees may be required to submit proof of fitness for duty upon returning from an absence of more than three (3) days and related to his or her own illness or injury, in accordance with applicable law.

Any abuse of sick leave will be grounds for discipline, up to and including termination.

4.4.4 Carryover. Unused sick time will carry over from year to year.

4.4.5 Donation. See the Port's Sick Leave Donation Program on Appendix A.

4.4.6 Payment Upon Termination or Retirement. Upon termination, an employee shall receive 50 percent payment for accumulated sick leave for up to ninety (90) days. Upon **normal** retirement **with unreduced benefits**, in accordance with the applicable provisions of the Public Employees' Retirement System (PERS), an employee shall receive 100 percent payment for accumulated sick leave for up to ninety (90) days.

4.5 **Family Medical Leave Act (FMLA/OFLA Leave)**

~~The Port is covered by the Oregon Family Leave Act (OFLA), as well as the Federal Family Medical Leave Act (FMLA) which may provide you with a period of unpaid leave for certain personal, family, or military related medical absences. You may be eligible for leave under one or both of these laws. Please note that an employee may be entitled to~~

~~more than one leave for the same absence. If so, the leaves will run concurrently unless otherwise required by law. For information on these leave of absence policies, contact the Human Resource Manager.~~

~~4.5.1 Eligibility and Amount of Leave. While these FMLA and OFLA are similar, there are some differences. One of the primary differences is whether or not you are eligible. Employees who have been employed for at least 180 days and have worked an average of at least twenty-five (25) hours per week during the 180 days before the leave begins are eligible for OFLA leave. In general, both the FMLA and OFLA apply to employees who have worked for the Port at least twelve (12) months assuming they meet other eligibility requirements. In all circumstances, the Port's policy will be interpreted and applied in accordance with applicable state and federal regulations.~~

~~An eligible employee is entitled~~Employees are eligible for Federal Medical Leave if they have worked for at least one year, and for 1,250 hours over the previous 12 months.

~~Twelve (12) weeks of unpaid, job protected leave is provided to eligible employees for certain family and medical reasons. The leave is limited to a total of twelve (12) workweeks of unpaid leave in a rolling year, for one or more of the following reasons:~~

- ~~(a) — To care for a newborn child, a newly adopted child, a newly placed foster child under age 18, or an adult “child” who is incapable of self-care because of a physiological or mental impairment. Family leave includes time to effectuate the legal process required for placement of a foster child or adoption of a child;~~
- ~~(b) — Please note that employees are not required to work the 25-hour minimum average in order to qualify to use family leave for this purpose. This leave applies to both the father and the mother of the child. However, if both parents work for the Port, leave cannot be taken at the same time. Also, leave must be completed within twelve (12) months after birth or placement;~~
- ~~(c) — To care for a “family member” with a “serious health condition”;~~

~~To care for a “covered service member” with a serious injury or illness, if the employee is the spouse, son, daughter, parent or next-of-kin of the service member. [Note: An eligible employee is entitled to a total of twenty-six (26) workweeks of leave for this purpose during a single any 12-month period, measured forward from the first date the employee uses covered service member leave as required by law];~~

~~To take medical leave when the employee is unable to work because of~~Employees will be required to use accrued PTO first, when applicable. If the accruals are less than 12 weeks, the employee may take the rest as unpaid leave. Employees will continue to accrue PTO

while using PTO. However, they will cease to accrue PTO during the unpaid portion of their leave.

If the leave is covered by the FMLA, the Port will continue the employee's health benefits (employer portion only) during the leave period. If the employee chooses not to return to work for reasons other than (1) the continuation, recurrence or onset of a serious health condition that would entitle the employee to FMLA leave; or (2) another circumstance beyond the employee's control, the Port will recover from the employee the premium that was paid for the employee's health coverage from the employee's final paycheck.

Employees are entitled to leave:

- to care for a child following a birth or placement of a child with the employee for adoption or foster care;
- to care for the employee's spouse, child, or parent, who has a "serious health condition"; or;
- Because of employee's own serious health condition, or;
- for any "qualifying exigencies" arising out of exigency" resulting from the fact that the employee's a spouse, son, daughter, child or parent is on, or has been called into active duty under a federal call (or has been notified of an impending call or order to stay in Armed Forces.

In addition, an employee who is a spouse, child, parent or next-of-kin of a service member may be entitled to up to 26 weeks of leave to care for a family member whose injury or illness was incurred in the line of duty on active duty) in the Armed Forces in support of a contingency operation, as outlined below and, National Guard or Reserves.

Total leave for co-employee spouses is limited to 12 weeks combined if the leave is taken for the birth, adoption, or foster care of a child or to care for a sick parent.

Employees are required by law to give 30 days' advance notice or as much notice as practical when the need for leave is foreseeable. The Port reserves the right to request medical certification supporting the leave, and also reserves the right to require second or third opinions (at the organization's expense) and a fitness for duty report to return to work at its discretion depending upon the particular circumstances. Leave may be denied if these requirements are not met.

Please note: In the event that an employee utilizes both covered service member and one or more other types of FMLA leave during the same leave year, the employee will be granted a maximum combined total of twenty-six (26) workweeks of leave. However, no more than twelve (12) workweeks can be used for any purpose other than covered service member leave and additional restrictions apply to qualified exigency leave as outlined below. Also, spouses employed by

~~the Port are jointly entitled to a combined total of twelve (12) workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement. Likewise, spouses employed by the Port taking leave for a covered service member are jointly entitled to a combined total of twenty-six (26) weeks of leave during the single 12-month period, in accordance with applicable law.~~

~~4.5.2 Definitions. The terms used in this policy are generally defined by the FMLA and/or OFLA, and related published regulations and administrative guidance, which are subject to change from time to time. If there has been a change to the law, the Port will adhere to the most current guidance. See the Executive Director or Human Resource Manager for the most current definition.~~

~~Currently these terms are defined as follows:~~

~~Family Member: The spouse, same-gender FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. When leave is taken because of a birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the Port agrees. When FMLA leave is taken to care for a sick family member or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary.~~

~~To protect employees' privacy rights, medical certifications will be treated as a confidential medical record and information will be disclosed only on a strictly need to know basis.~~

~~Most employees returning from Family Medical Leave will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Key employees may be denied restoration from leave if prior notice as to such key status is given and if it would cause grievous economic harm to the Port.~~

~~4.6 Oregon Family Leave Act (OFLA)~~

~~Employees are eligible for Oregon Family Medical Leave if they have worked for at least 180 days and have worked an average of at least 25 hours per week, and the employer employed 25 or more persons for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.~~

~~"Child," for the purposes of parental and sick child leave only (not for the purposes of serious health condition leave), means a biological, adopted, foster or stepchild, the child of an employee's domestic partner, or a child with whom the employee is or was in a relationship of in loco parentis. The child must be: a) under the age of 18; or (b) an adult~~

dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.100(2)(d).

OFLA leave may be taken for any of the following purposes:

- Bereavement: Eligible employees can take up two weeks of bereavement leave, per family member in a 52-week period (to be taken within 60 days of notification of the death) to either attend funeral services or to make funeral arrangements. This is limited to a total of 4 weeks of bereavement leave in a 12-month period.
- Oregon Military Family Leave Act (OMFLA): Eligible employees, who have worked an average of 20 hours per week, are allowed up to 14 working days of unpaid leave, per deployment of the employee's spouse or domestic partner. The 14 days is included in the 12-week OFLA entitlement, per 52-week period.
- Pregnancy Disability Leave: Eligible employees can receive up to 12 weeks in a 52-week period for incapacity due to pregnancy, prenatal medical care, or birth.
- Sick Child Leave: Up to 12 weeks in a 52-week period, eligible employees can take leave to provide home care for a child with a serious or non-serious health condition, injury, or other conditions that may require home care. This includes absence to care for a child whose school or care provider is closed in conjunction with a public health emergency that is declared.

The employee must provide 30 days' notice if the reason for the leave is foreseeable.

The employee must be reinstated to the employee's former position unless the position no longer exists (this is without regard to whether the Port filled the position with a replacement during the period of leave); in which case, the employee shall be reinstated to an available equivalent position at the employee's former job site. If an equivalent position is not available at the job site of the employee's former position, the employee may be

offered an equivalent position at a job site located within 20 miles of the job site of the former position.

The Port may require medical verification of the need for the leave to care for the employee's sick child (only after the employee has taken more than three days of leave in the twelve months preceding the leave).

OFLA leave is without pay. However, employees are entitled to use accrued PTO during the period of OFLA.

4.7 Paid Leave Oregon (PLO)

Paid Leave Oregon is a statewide insurance program available to eligible Oregon employees that provides paid time off to give or receive care for Qualifying Events as defined by the PLO law. The program is funded by premiums paid by employees and employers (generally those with 25 or more employees) and is administered by the Oregon Employment Department ("OED").

To qualify, employees need to:

- work in Oregon;
- have earned \$1,000 in wages in either the year benefits are requested, or the year prior;
- have contributed to PLO in either the year benefits are requested, or the year prior; and
- have experienced a Qualifying Event.

Qualifying events include:

- caring for and bonding with a child during the first year after the child's birth or placement through foster care or adoption, including leave related to the legal process required for placement of a foster child or adoption;
- caring for a family member with a serious health condition;
- caring for the employee's own serious health condition; or
- seeking medical, legal, or law enforcement assistance for the employee or the employee's minor child or dependent related to domestic violence, harassment, sexual assault, or stalking (also called "Safe Leave").

In some cases, employees with complications related to pregnancy, childbirth, or a related medical condition may receive an additional two (2) weeks of paid leave, for a total of 14 weeks of paid leave.

"Family member" means the spouse, domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of ~~same-gender~~ domestic partner, ~~grandparent or grandchild of the employee, or or~~ a person with whom the employee is ~~or was~~ in a relationship of in loco parentis. It also includes the

biological, adopted, foster, or stepchild of an employee, or the child of an employee's same-gender employee's domestic partner, or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. For the purposes of OFLAPLO, an employee's employee's child in any of these categories may be either a minor or an adult at the time serious health condition leave is taken.

- ~~Serious Health Condition: Means an illness, injury, impairment, or physical or mental condition that involves:~~
 - ~~Hospital Care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.~~
 - ~~Absence Plus Treatment: A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:~~
 - ~~Treatment two (2) or more times by a healthcare provider, by a nurse or physician's assistant under direct supervision of a healthcare provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider; or~~
 - ~~Treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider.~~
 - ~~In order to qualify, the first in-person treatment must take place within seven (7) days of the first day of incapacity. Also, except under extenuating circumstances, the second treatment must occur within thirty (30) days of the first day of incapacity.~~
 - ~~Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.~~
 - ~~Chronic Conditions Requiring Treatments: A chronic condition which:~~
 - ~~Requires periodic visits (including at least two (2) per year) for treatment by a healthcare provider, or by a nurse or physician's assistant under direct supervision of a healthcare provider;~~
 - ~~Continues over an extended period of time (including recurring episodes of a single underlying condition); and~~
 - ~~May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).~~
 - ~~Permanent/Long-term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.~~

- ~~○ *Multiple Treatments (Non-Chronic Conditions):* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of health care services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).~~
- ~~● *Covered Service Member:* A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.~~
- ~~● *Next of Kin:* An employee's Next of Kin for military caregiver leave, includes the nearest blood relative other than the covered service member's spouse, parent, son, or daughter in the following priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins. The covered service member may also designate, in writing, another blood relative as their "Next of Kin" for FMLA purposes. That designation shall control the determination.~~
- ~~● *Qualifying Exigency:*
 - ~~i. *Short Notice Deployment:* Up to seven (7) calendar days of leave may be taken to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty for a contingency operation seven (7) or fewer calendar days prior to the date of deployment. This leave may be used beginning on the date the military member is notified of the deployment.~~
 - ~~ii. *Military Events and Related Activities:* Attendance at any official ceremony or program sponsored by the military and related to the active duty of the covered military member, or attendance at family support or other assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty of the covered military member.~~
 - ~~iii. *Childcare and School Activities:* To arrange for alternative childcare, to provide childcare on an urgent, immediate need basis (not regular, ongoing care), to enroll or transfer to a new school or day care facility, or to attend meetings with staff of a school or day care. In all cases, the need must be caused by the active duty or call to active duty status of a covered military member and covered family member.~~~~

- ~~iv.— *Financial and Legal Arrangements:* To make or update financial or legal arrangements to address the covered military member’s absence (such as preparing financial and health care powers of attorney, updating wills, etc.); to act as the covered military member’s representative before a federal, state or local agency for obtaining, arranging or appealing military service benefits (while on active duty or within ninety (90) days following termination of active duty only); and attending counseling (provided by someone other than a healthcare provider for yourself) for the covered military member, or their covered child, if that counseling is needed due to the active duty or call to active duty status.~~
- ~~v.— *Rest and Recuperation:* Up to fifteen (15) days of leave may be taken (per instance of rest and recuperation leave) to spend time with a covered military member who is on short term, temporary, rest and recuperation leave during the period of deployment.~~
- ~~vi.— *Post-Deployment Activities:* To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the covered service member’s active duty status; or to address issues arising from the death of a covered service member (such as recovering the body, making funeral arrangements, etc.).~~
- ~~vii.— Other activities as agreed to by the Port.~~

~~4.5.3 *Notice Requirements.* Request for family leave must be made in writing. If the need for the leave is known to you in advance, you must give thirty (30) days’ advance notice. If the leave is not known in advance, you must give notice as soon as reasonable practice and no less than verbal notice within twenty-four (24) hours of the beginning of the leave followed by confirmation in writing within three (3) workdays after you return to work.~~

~~Medical certification may be required supporting the need for leave due to the serious health condition of an employee or immediate family member, for military exigency situations, or the need to provide home care to a child. However, medical certification will not be required to substantiate your need to be absent to provide home care for a child unless you are absent for more than three (3) workdays in a one (1) year period.~~

~~Under some circumstances, employees may take leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. If leave is for a birth or placement for adoption or foster care, use of intermittent leave is subject to the Port’s approval. However, leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or covered service member, because the employee is seriously ill and unable to work, or due to qualifying exigencies.~~

~~4.5.4 Use of Accrued Leave Required. This leave is unpaid. You are, however, required to utilize accrued paid time off as follows:~~

~~If the reason for the leave is your own serious health condition, including pregnancy-related disability, available paid time off will be applied in the following order:~~

- ~~a. Sick leave;~~
- ~~b. Vacation;~~
- ~~c. Floating holiday and all other forms of paid leave.~~

~~If the leave is for any other reason, paid time off will be applied during the absence in the following order:~~

- ~~a. Vacation;~~
- ~~b. Floating holiday and all other forms of paid leave;~~
- ~~c. Sick leave.~~

~~4.5.5 Coordination with Other Benefits. If an employee is absent due to a serious on-the-job health condition and is eligible for workers' compensation benefits, his or her family leave entitlement will not run concurrently with the workers' compensation absence. Eligibility for health insurance benefit continuation will be in accordance with applicable law and collective bargaining agreement where applicable.~~

~~4.5.6 Reinstatement. In order to have reinstatement rights when you are returning from family leave, you must request reinstatement upon the expiration of the leave. A request for reinstatement must be submitted in writing. If you make a timely request for reinstatement, you will be reinstated to your former position in accordance with applicable law. If you cannot be reinstated to your former position because that position no longer exists, you will be reinstated to an available, equivalent position.~~

~~Employees on leave must keep the Port apprised of their anticipated date of return to work; changes in medical status, address, or telephone number; and any other reporting obligation directed by the Port. All employees who are either fully or partially released to return to work must report to the Port upon receipt of the release. The Port will generally require a release to return to work from an employee's treating physician before an employee will be allowed to return to work.~~

~~4.5.7 Other Requirements. When leave is needed for planned medical treatment to care for an immediate family member or the employee's own illness, the employee must try to schedule treatment so as not to unduly disrupt the Port's operation.~~

~~When an employee gives notice of the need for this leave, the Port shall give the employee specific information on what is required of the employee and what might occur in certain circumstances, such as if the employee fails to return to work after leave.~~

~~You may also be required to provide the following, in accordance with applicable law:~~

- ~~• Second or third medical opinions (at the Port's expense);~~
- ~~• Periodic status reports during leave regarding the employee's status and intent to return to work; and/or~~
- ~~• Fitness for duty certifications in connection with reinstatement.~~

~~For more information on this leave of absence or questions about eligibility, contact the Human Resource Manager. In all circumstances, this policy will be interpreted and applied in accordance with applicable state and federal regulations.~~

~~PLO may not be used concurrently with OFLA leave, workers' compensation, or unemployment benefits.~~

~~While on PLO, you are entitled to wage replacement. That means you will receive all, or a portion of, your average weekly pay from the OED. The benefit is calculated as follows:~~

- ~~• If your average weekly wage is equal to or less than 65% of the statewide average weekly wage as calculated by the OED, your weekly benefit amount will be 100% of your average weekly wage.~~
- ~~• If your average weekly wage is greater than 65% of the statewide average weekly wage as calculated by the OED, your weekly benefit amount will be the sum of:
 - ~~○ 65% of the statewide average weekly wage; and~~
 - ~~○ 50% of your average weekly wage that is greater than 65% of the statewide average weekly wage.~~~~

~~Your maximum weekly benefit cannot exceed 120% of the statewide average weekly wage. If you receive less than full wage replacement on PLO, you may, but are not required to, use any accrued but unused sick/vacation to supplement your wages to receive full wage replacement.~~

~~Upon return from PLO, you will be restored to the same position you held prior to your leave. If the position no longer exists, you will be restored to any available equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. While on PLO, you are entitled to the same healthcare and other benefits you would be entitled to had you not taken leave.~~

~~The OED determines your eligibility and qualification for this leave. To apply for benefits, you will submit an application to the OED. However, you should give as much notice to the Port as possible.~~

If your need for leave is foreseeable, you must provide the company with written notice at least thirty (30) days before your first day of leave. Examples of foreseeable reasons include the birth of a child, placement of a child, or planned medical treatment. If the need for leave is unforeseeable, you must provide the company with oral notice within 24 hours of commencement of leave, and written notice within 3 days of commencement of leave. Employees should contact the Human Resource Manager to request information regarding PLO.

Failure to provide notice may result in a 25% reduction in your first weekly benefit payment under PLO.

Please bear in mind that PLO is administered by the Oregon Unemployment Department. Applications must be submitted to the OED, not the Port. The Port does not make any determination regarding denial or approval of applications for PLO.

4.64.8 Jury/Witness Duty

You will be given time off as necessary to comply with a jury service summons or witness subpoena. If a summons for jury duty or subpoena to appear as a witness is received, the employee shall notify their direct supervisor. Arrangements will be made to reassign work and time off will be granted, as required. Employees are expected to report for work when not selected for a jury or called as a witness on any day, or when jury duty service or witness appearance requires only part of a day.

Time off taken for jury duty service is paid, but employees will not be reimbursed for personal costs associated with such service, including mileage, meals, lodging or parking. In exchange, the employee will be required to pay the Port any compensation received for duty fees. Employees will not be paid for witness service, but may apply to use available accrued leave.

4.9 Military Service Leave

Employees involved in service in the Armed Forces, Military Reserves, National Guard or other military service will be granted time off and reinstatement rights consistent with the law. If you are called to duty, you must notify your supervisor and submit copies of your military order to your supervisor as soon as possible. Military leave will be handled in accordance with applicable federal and state laws.

Employees may use accumulated vacation time to compensate them while serving on annual training duty.

Please contact the Human Resource Manager with questions or to determine your eligibility for Military Service Leave.

4.10 Military Family Leave

Employees who regularly work more than twenty (20) hours per week may take up to fourteen (14) days of unpaid Military Family Leave in order to spend time with a spouse, domestic partner, child, or parent who has been notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment.

You will be expected to provide at least five (5) days' notice of your need for Military Family Leave, and the leave will be unpaid unless you elect to use any available paid leave in advance of your leave. This leave will be applied and count toward your OFLA entitlement unless otherwise provided by law. If you take Military Family Leave, you will be entitled to the same reinstatement rights as those available for FMLA/OFLA.

Please contact the Human Resource Manager with questions or to determine your eligibility for Military Family Leave.

~~4.11—Bereavement Leave~~

~~4.11 4.9.1—Paid Bereavement Leave:~~

~~In addition to unpaid Bereavement Leave potentially available under OFLA, regular full time employees are entitled to a maximum of three (3) paid days off per calendar year to be used in the event of the death of a member of the employee's family ("Paid Bereavement Leave") as provided below. Paid Bereavement Leave does not carry forward from year to year, and cannot be accumulated.~~

~~4.9.2—Unpaid Bereavement Leave. Employees who are eligible to take OFLA leave may also take up to two (2) weeks of unpaid leave to deal with the death of a family member by:~~

- ~~(a)—Attending the family member's funeral or alternative to a funeral;~~
- ~~(b)—Making arrangements necessitated by the death of the family member; or~~
- ~~(c)—Grieving the death of the family member.~~

~~If the employee has Paid Bereavement Leave, vacation, or sick leave available, then the available paid leave must be used concurrently with the OFLA Bereavement Leave, in that order. If paid leave is not available or has been exhausted, any remaining OFLA Bereavement Leave is unpaid.~~

~~Bereavement Leave must be completed within sixty (60) days of the date the employee receives notice of the family member's death. In the unfortunate event of multiple deaths within the same year, an employee may take up to two (2) weeks of Bereavement Leave for each family member until his or her OFLA leave entitlement is exhausted.~~

For the purpose of OFLA Bereavement Leave, “family member” includes an employee’s spouse; same-sex domestic partner; biological, adoptive, step-, or foster child or parent; parent-in-law; grandparents and grandchildren; and any person with whom the employee has an *in loco parentis* (i.e., in place of parents) relationship.

~~4.9.3 **Requirements.** Request for Paid Bereavement Leave must be made in writing. If the need for the leave is known to you in advance, you must give thirty (30) days’ advance notice. If the leave is not known in advance, you must give verbal notice to your direct supervisor within twenty-four (24) hours of the beginning of the leave, followed by confirmation in writing within three (3) workdays after you return to work.~~

~~4.9.4 **Reinstatement.** Employees on Bereavement Leave must keep the Port informed of their anticipated date of return to work, updated contact information, and any other reporting obligation directed by the Port.~~

4.12 **Leave Due to Domestic Violence or Stalking**

4.12.1 **General.** Employees who are victims of domestic violence, harassment, sexual assault or stalking (“DVHSAS”), or who are the parents or guardians of a minor child or dependent who is a victim of DVHSAS may be granted a leave of absence for the following reasons unless such leave creates an undue hardship on the Port:

- (a) Seek legal or law enforcement assistance or remedies, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, sexual assault, or stalking;
- (b) Seek medical treatment for or to recover from injuries caused by domestic violence, sexual assault, or stalking of the eligible employee or the employee’s minor child or dependent;
- (c) Obtain, or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault, or stalking;
- (d) Obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent; or
- (e) Relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee’s minor child or dependent.

4.12.2 **Leave with Pay.** Eligible employees may take up to 160 hours of paid DVHSAS Leave, in addition to any accrued vacation, sick or other form of paid or unpaid leave available to the employee each calendar year. Employees on an approved DVHSAS Leave will be compensated in the following order:

- (a) Sick leave;
- (b) Floating holiday and all other forms of paid leave;
- (c) Vacation;

- (d) When all of the above accrued leave banks have been exhausted, up to 160 hours of DVHSAS paid leave.

4.12.3 Requirements. If feasible, eligible employees must provide reasonable advance notice of the need to take DVHSAS Leave. The Port may require the employee to provide certification that the employee meets the leave eligibility requirements. An employee may do so by providing documentation such as a police report, protective order, or letter from an attorney or healthcare professional. All such records are confidential and will not be released without the employee's express permission unless otherwise required by law.

4.13 Crime Victims Leave

Employees who are the victim of a crime may be eligible for leave in order to assist in the prosecution and trial of the accused. Employee must provide reasonable notice, generally not less than three (3) days unless the need was unforeseen, of his or her intention to take leave to attend a court hearing. The employee must also provide a copy of any hearing notice prior to taking the leave.

If applicable, the Port will provide Crime Victims Leave to an eligible employee, unless it determines that the requested absence would pose an undue hardship to the Port's operations. In that event, the Port will notify the employee of the hardship, so that the employee may alert the Court to the hardship so that it can take the employee's work schedule into account in scheduling the proceedings.

In order to be eligible to take this leave, the employee must have worked for the Port at least twenty-five (25) hours per week for the 180 days immediately preceding the leave. The employee must also be considered the victim of the crime as defined by Oregon's Crime Victim Leave law.

For any leave used pursuant to this Policy, the Port will first apply available sick leave or vacation, in that order, with any additional time off being unpaid.

~~4.13 Unpaid Personal Leave of Absence~~

~~For employees who have exhausted their accrued vacation, sick time, allowable FMLA/OFLA, Military Leave, or other legally protected leave outlined above, or who are not eligible for paid leave or any of the leaves outlined above, a leave without pay or additional time off may be granted under certain circumstances, at the sole discretion of the Port. A written request for leave without pay must be submitted to the supervisor and approved by both the supervisor and the Executive Director.~~

~~The Port will not pay for group health or dental insurance premiums during any portion of an unpaid personal leave of absence. Accordingly, the premiums for such coverage are the complete responsibility of the employee. In order to keep the insurance in force, premiums for the entire period of the leave must be paid before the employee begins the leave.~~

~~As with other leaves, an employee's failure to report on the day after an approved leave expires will be considered as voluntary resignation without notice.~~

5.0 SAFETY AND SECURITY

5.1 Safety Policy Statement

Nothing is of greater concern to the Port 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 Port's safety and accident policy. Employees are expected to use common sense and good judgment in work habits and to follow safe work practices. All Port employees are required to report any unsafe conditions to the attention of a supervisor and/or Department Head immediately upon detection.

Employees shall:

- Use the appropriate safety equipment which has been provided;
- Not operate equipment while under the influence of medication, drugs or alcohol without a doctor's written approval to specifically do so;
- Operate only the equipment on which they have received training;
- Warn co-workers and management of unsafe conditions or practices;
- Report dangerous or unsafe conditions; and
- Refrain from horseplay at all times.

5.2 Unsafe Conditions

Every employee is responsible for safety as a specific job assignment. To achieve the Port goal of providing a safe workplace, everyone must be aware of safety at all times. Employees shall report immediately any unsafe or hazardous conditions directly to a supervisor. Every effort will be made to remedy safety problems as quickly as possible.

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;
- Use barricades, covers or other means to safely protect a hazardous area or condition;
- Employ avoidance procedures; and
- Use personal protective equipment as appropriate.

5.3 **Accident Reporting**

Accidents or injuries that occur on Port property or during Port business must be reported in detail in the Port's Accident Report form as soon after the occurrence as possible. All accident reports should be submitted to the Department Head and copied to the Executive Director. Accidents resulting in injuries requiring admission to a medical treatment facility will be reported in accordance with OSHA/Oregon-OSHA.

5.3.1 **Vehicular Accidents.** Accidents involving Port-owned vehicles or personal vehicles being operated on Port business must be reported to the appropriate police agency. Any accident must also be reported immediately to the Port office.

5.3.2 **Other Accidents.** Accidents involving damage to equipment or property, or personal injury, must also be reported to the appropriate Department Head. The Department Head will determine the need for further investigation.

5.4 **Workers' Compensation Insurance**

The Port carries workers' compensation coverage and will assist employees who are injured on the job in obtaining all benefits to which they are entitled in accordance with applicable law.

5.5 **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 being off work:

- All requests to return to work must be made in writing, dated and signed by the employee. Requests must also be accompanied by a dated, written release signed by the employee's attending physician. The release must clearly state all job restrictions or that none apply.
- Requests to return to work must be made as soon as possible when the employee is notified that his or her attending physician has released the employee to return to work.
- Except where extenuating circumstances exist or as otherwise prohibited by law, failure to make a timely request to return to work terminates your right to reinstatement or re-employment. Failure to seek written release upon your becoming able to return to work may also constitute abandonment of your right to reinstatement or re-employment.
- Requests to return to work may be brought in personally or mailed to the Port. If mailed, the request should be directed to the Human Resource Manager. All requests, whether by mail or personally delivered, will be deemed as made on the date received by the Port. All requests will be stamped upon receipt.

If the former position or a suitable alternative is not available at the time of the request, the employee must contact the Human Resource Manager in person or by telephone once a week to renew the request. If a period of ten (10) days elapses without such a contact, the employee will be considered to have abandoned the right to return to work.

If the employee is offered a suitable position in response to a request to return to work and refuses to accept the position, the employee will be considered to have voluntarily resigned employment and abandoned the right to reinstatement or re-employment.

The Port offers light duty in accordance with applicable law.

6.0 EMPLOYEE RESPONSIBILITIES

6.1 Teamwork and Excellence

This section has been arranged to present a general overview of the Port'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 Port depends upon good service.

6.2 Professional Conduct

Positive attitude, proper courtesy, and conduct on and off the job are important to the individual as well as the Port. All employees are engaged in public relations. Some deal directly with the public; others, while not in direct personal contact, perform work under the public eye. Employees of the Port, 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 goodwill and support for Port services.

6.3 Code of Ethics/Conflicts of Interest

All employees of the Port are public employees, and as such, are subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the Port from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

In particular, the Port expects the following:

6.3.1 Personal Interests Avoided. Port employees may not use Port property, time, equipment or services for personal interest or gain.

~~6.3.2 Gifts and Gratuities. Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the Port. Notwithstanding the foregoing and in accordance with Oregon ethics laws, Department Heads may~~

~~allow acceptance of non-monetary gifts of nominal value at holidays or special occasions which are available to be shared by all employees.~~

6.3.2 Contract Award. No employee, commissioner, or agent of the Port may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, commissioner, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Employees, commissioners, or agents of the Port may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

6.3.3 Gifts and Gratuities. Employees, commissioners, and agents of the Port are prohibited from accepting any remuneration, compensation, gift, or any other unlawful payment or benefit to secure any concession, contract or any other favorable treatment. Any such attempt must be reported to the Executive Director. However, employees, commissioners, and agents of the Port may accept gifts of nominal value in accordance with the provisions of ORS § 244.025.

6.3.4 Disclosure. Employees, commissioners, or agents of the Port must disclose any known or potential conflicts of interest as soon as they arise. Failure to do so could result in termination of employment.

If you have questions about whether an activity meets the Port's or Oregon's ethical standards, please talk with your supervisor. Employees who violate the Code of Ethics/Conflict of Interest Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

6.4 Conflict of Interest Resolution

Potential conflicts of interest will be investigated by the Executive Director, who will collect all reasonably available pertinent information and may question any concerned parties. If the Director determines that a conflict exists, steps will be taken to address the conflict. If no conflict exists, the inquiry may be documented but no further action will be taken. If the Executive Director is a concerned party, the Commission of the Port of Astoria will conduct the investigation.

If an actual conflict of interest is found, any transactions that may have been affected will be reviewed retroactively. Affected parties both within and outside of the Port, including commissioners, directors, employees, and contractors will be notified. An investigation will also be conducted by the Commission to determine the extent of the conflict and the intentions of the parties involved. If the conflict in question involves a commissioner or

commissioners of the Port of Astoria Commission, such commissioner(s) will be excused from the deliberations.

As all conflicts of interest will be reviewed on a case-by-case basis, a review may result in disciplinary action. The Executive Director, or Commission (depending on the circumstances), has full discretion to deem what disciplinary action is both fitting and necessary, including suspension and/or termination of employment.

Without limiting the applicability of other provisions of Oregon Ethics Law, the following provisions of Oregon Revised Statutes are expressly incorporated into this policy:

- ORS § 244.025 (“Gift limit”)
- ORS § 244.047 (“Financial interest in public contract”)
- ORS § 244.120 (“Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards”)
- ORS § 244.130 (“Recording of notice of conflict; effect of failure to disclose conflict”)

6.46.5 Political Activities of Port Employees

6.45.1 Official Position-Campaigning. Employees may not use their official authority or position with the Port to further the cause of any political party or candidate for nomination or election to any political office.

6.45.2 On-Duty Activity. Oregon law forbids any Port employees, 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.

6.45.3 Off-Duty Activity. During the term of employment, a Port employee may not hold any elective office that creates a conflict of interest between the duties of that employee and the prospective duties of the elective office holder. An employee must obtain a prior written approval from the Executive Director before filing as a candidate for an elective office. Failure to obtain prior written approval may be deemed by the Port to constitute a voluntary resignation if the employee is elected and the Port determines that the elected position creates a conflict of interest with the employee’s position with the Port.

Nothing in this rule is intended to restrict the political actions or activities of employees outside of their regular working hours.

6.6 Social Media Use

This policy aims to guide employees in responsibly using social media, both personally and professionally, in ways that do not interfere with job responsibilities or compromise the Port's interests.

The term “Affiliates” within this policy refers to the Port's customers, elected officials, officers, employees, representatives, business partners, vendors, service providers, community members, or any other individual that Port employees may come into contact by virtue of their employment with the Port.

Nothing in this policy shall prohibit, or be interpreted to prohibit, discussions of work-related matters in any medium, including via Social Media, that are truthful, professional, and not related to proprietary or confidential subject matter, provided they are permitted or protected by applicable law and do not otherwise violate Port policies. This policy also does not restrict an employee's ability to comment on matters of public concern as provided by law. This policy will not be interpreted or applied so as to interfere with employee rights to self-organize, form, join, or assist labor organizations; to bargain collectively through representatives of their choosing or to engage in other concerted activity related to the terms and conditions of employment for mutual aid or protection; or to refrain from engaging in such activities.

6.6.1 Disclaimer. Employees who choose to identify themselves as employees of the Port are strongly encouraged to state explicitly, clearly, and in a prominent place on the site, that views expressed are employees' own and not those of the Port.

6.6.2 Confidentiality. Employees should refrain from disclosing confidential or proprietary information of which the Port may be a custodian including without limitation private information about the Port's citizens, customers, clients, elected officials, employees, representatives, business partners, service providers and vendors, and non-public operational information and procedures

6.6.3 Conduct. Employees should refrain from making statements or comments that hinder the effective performance of Port functions or undermine public confidence. Employees should not engage in abusive, defamatory, obscene, violent, maliciously false or otherwise egregious conduct or statements directed at or implicating the Port or its affiliates. Employees should refrain from using Social Media to engage in abusive, defamatory, obscene, violent, maliciously false or otherwise egregious conduct or statements directed at or implicating the Port or its affiliates.

6.6.4 Disclosure. Employees should remember that, in some cases, content about the conduct of Port business published by employees on personal time may be subject to disclosure under Oregon Public Records Law.

6.6.5 Monitoring and Enforcement. The Port reserves the right to monitor public content on social media to ensure compliance with this policy. Violations of this policy may result in disciplinary action, up to and including termination, depending on the severity and impact of the violation.

6.56.7 Expenditures

All expenditures of Port funds require the prior approval of the Department Head. All expenditures must be adequately documented with receipt, purchase order and prior authorization approvals. Expenditures, for which reimbursement is expected, should be handled in accordance with the Port's Reimbursement Policy.

6.66.8 Attendance and Punctuality

Each employee is important to the overall success of operations. When one employee is absent, someone else must do the job. Everyone is expected to keep regular attendance, be on time, and work as scheduled. Generally speaking, depending on specific job and/or work assignments, work hours are from 0800 (8:00 AM) to 1630 (4:30 PM) or 1700 (5:00 PM).

In accepting employment with the Port, 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 Port may be measured. Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled workday. Recurring and excessive absences and/or tardiness are disruptive to work schedules, costly to the Port and its residents, and detrimental to the morale and efforts of employees who maintain a good work record.

Failure to meet these requirements subjects an employee to disciplinary action, which includes termination. The ability to attend work regularly is a job requirement.

6.76.9 Personal Appearance

Each employee is responsible to present a proper, businesslike appearance whether in the office, a Port vehicle, or other site. ~~Good taste and good judgment in personal attire is expected and should reflect the type of work to be performed. You are expected to wear clothing that is neat in appearance and consistent with a professional atmosphere, keeping in mind the impression made on customers, visitors, and other employees and the need to promote organization and employee safety. Good individual judgment is the best guideline, but management retains the right to decide what dress is appropriate. Certain job functions may require safety related clothing and/or personal protection equipment be worn.~~

6.86.10 Appearance of Work Areas

The Port's property and equipment are considered public assets that have been entrusted to the Port to maintain and protect. ~~We~~The Port will also work hard to provide and maintain clean, safe and healthy work conditions. It is the responsibility of each employee to ensure

that all working documents, desks, cabinets and equipment are secure at the close of the work shift.

6.96.11 Personal Calls

Port-provided telephones are to be used for Port purposes. Telephone calls of personal nature (incoming or outgoing) should be kept to a minimum and made during breaks or lunch periods whenever possible.

6.106.12 Smoking

Smoking on Port property is not allowed except in designated smoking areas.

6.116.13 Outside Employment

6.113.1 The Port Comes First. When an individual accepts employment with the Port it is understood that the Port has first priority upon the services of the individual, regardless of any effect on secondary employment.

6.113.2 Incompatible Work. Employees shall not engage in outside employment that conflicts in any way with Port employment, detracts from the efficiency of work performance, or is in conflict with the interests of the Port. For purposes of this section, employment with the ILWU is not considered to be in conflict with the interests of the Port. The Port expects employees to avoid extra work which affects endurance, overall personal health, or effectiveness. The Port will hold all employees to the same standard of performance and scheduling demands, including employees who hold outside jobs.

6.113.3 Volunteer Work. Employees are encouraged to volunteer their off duty time to Community projects and activities. Volunteerism helps build Community and reflects positively on the Port as well. However, volunteer work cannot interfere with an employee's job responsibilities without prior approval by the employee's Department Head.

6.126.14 Electronic Mail and Internet Usage Policy

This policy describes the guidelines with regard to use of the Port's Internet access and electronic mail or text messages sent or received with use of the Port's technology. The Port respects the individual privacy of its employees; however, the Port is a public employer and therefore employee privacy does not extend to the employee's work-related conduct or to the use of Port-provided equipment, technology or supplies. It may also not extend to texts or emails sent from or to an employee's personal device if it relates to the Port in any way. You should be aware that anything and everything you create, send or receive while at work or using Port property is likely considered a Public Record and subject to disclosure in accordance with applicable law. Therefore, employees are expected to adhere to the following guidelines as a condition of employment with the Port.

6.12.16.14.1 Restrictions of Internet Use.

You may not use any of the Port's e-mail systems or Internet access in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. Examples of forbidden transmissions include, but are not limited to: sexually explicit messages, cartoons or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other statements, images, or language that can be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, gender identity or expression, family status, age, national origin, disability, or religious or political beliefs.

In addition, the following is prohibited:

- Intentional damage or interference with others (for example, hacking and distributing viruses) or distribution of destructive programs (i.e., viruses and/or self-replicating code).
- Solicitation and/or non-Port-related commercial usage. This includes operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside the Port.
- Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information of the Port in violation of Port policy or proprietary agreements.
- Sending chain letters, gambling or engaging in any other activity in violation of the law.
- Failing to comply with all software licenses, copyrights, and all other laws governing intellectual property and online activity.

6.12.26.14.2 Personal Use of E-Mail or Instant Messages.

Because the Port provides the electronic mail system to assist you in the performance of your job, you should use it only for official Port business. The same applies to instant messages sent via Port-provided devices or equipment. Incidental and occasional personal use of e-mail or messaging services may be allowed, but these messages will be treated the same as other messages and subject to public disclosure. The Port reserves the right to access and disclose as necessary all messages sent over and received from its e-mail system or through devices or equipment provided to employees, without regard to content. Since your personal messages can be accessed by the Port without prior notice, you should not use e-mail to transmit any messages you would not want to see published or otherwise made available to the public.

6.12.3 Management's Right to Access Information.

Port management has the right, but not the duty, to monitor any and all aspects of its computer systems, Internet, and technology, including, but not limited to, monitoring sites that employees visit on the Internet, reviewing material downloaded or uploaded by employees, and reviewing e-mail, images, and other communications sent and received by employees. Employees therefore waive any right to privacy in anything they create, store, send, or receive on Port-owned or provided computers, devices, and technology or via Port-provided Internet access.

Furthermore, the electronic mail system and Internet access software has been installed by the Port to facilitate business communications. Although each employee has an individual password to access this system, it belongs to the Port and the contents of e-mail communications are accessible at all times by Port management for any business purpose. These systems may be subject to periodic unannounced inspections, and should be treated like other shared filing systems. All system passwords should be kept confidential and should not be shared with anyone else within or outside of the Port.

6.136.15 **Personal Property**

Please remember that you are responsible for the safekeeping of any personal property you bring to work. You should not bring valuable property to work, and any personal property you bring should be locked up. The Port is not responsible for your personal property and cannot reimburse you if your property is lost, stolen or damaged.

6.146.16 **No Right to Privacy**

Employees have no expectation of privacy while on Port premises or property. Your work areas, including Port vehicles, Port computers and personal item storage are Port property and may be inspected and/or monitored. Items of a personal or sensitive nature should not be brought into the workplace.

7.0 SUBSTANCE ABUSE POLICY

7.1 **Policy**

The Port has a responsibility to its employees, and the public to ensure safe working conditions and a productive workforce unimpaired by chemical substance and/or substance abuse. The Port has legal responsibilities pursuant to the Drug Free Workplace Act of 1988. To satisfy these responsibilities, the Port must preserve a work environment free from the effects of drugs and alcohol.

The Port is committed to maintaining a safe and healthy workplace for all employees by assisting employees to overcome drug or alcohol related problems through appropriate treatment and, if necessary, disciplinary action.

Employees shall not report to work nor return to work from lunch impaired by or otherwise under the influence of alcohol or illegal and/or legal drugs.

In addition, the use, sale, possession, manufacture, distribution and/or dispensing by an employee of alcohol, marijuana or drugs during work hours, while on duty, or while on Port property is strictly prohibited. Conduct in violation of this policy may result in disciplinary action and/or criminal investigation, if appropriate.

This policy includes both voluntary and mandatory testing, including conducting any testing that is necessary or recommended pursuant to state or federal regulations.

7.2 Permitted Use

The use of Prescription Drugs (other than marijuana) in a manner consistent with prescription conditions is permitted while on duty so long as such use does not impair the employee's ability to perform the essential duties of his or her job safely and efficiently. No use of marijuana is permitted while on duty or subject to call-in, even if the employee possesses a valid medical marijuana card.

It is the employee's responsibility to determine from a physician whether or not a prescribed medication can impair job performance. An employee whose impairment may affect job performance should take a sick leave or other steps consistent with the advice of his or her physician. If an employee reports to work under the influence of Prescription Drugs and endangers self or others, the employee may be disciplined. Any failure to report the use of such prescribed medications or other substances to the Port, or failure to provide evidence of medical authorization, can result in disciplinary action.

7.3 Reports of Drug Conviction

An employee must report the facts and circumstances to the Human Resource Manager no later than five (5) days after a conviction related to any criminal drug statute.

~~7.4 Employee Education~~

~~The Human Resource Manager maintains information relating to the hazards of and treatment for drug and alcohol related problems. Proactive training and information will be sponsored by the Port periodically. Any Port employee may seek advice, information and assistance voluntarily. Medical confidentiality will be maintained, consistent with this policy.~~

~~7.5~~ 7.4 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. ~~The Human Resource Manager will assist employees who wish to identify and select an appropriate treatment program.~~ Although the Port supports voluntary treatment

efforts, it is up to each employee to pursue treatment **before** dependency problems result in unsatisfactory performance or attendance, safety violations, etc., and **before** the employee violates this substance abuse policy.

If an employee seeks drug treatment voluntarily and not under adverse employment circumstances, the employee will be placed on a leave of absence or adjusted work hours to allow for inpatient or outpatient rehabilitation treatment. The employee may use accrued sick leave benefits while attending rehabilitation. The employee must comply with all treatment and after-care recommended by the treatment program or a substance abuse professional. The employee will not be permitted to work until such time as a competent medical authority, approved by the Port, has certified that the employee has controlled the problem and is able to safely perform the essential functions of the employee's job. After such accommodation, the discontinuation of any involvement with alcohol or drugs may be an essential requisite for employment and is consistent with the Port's policy of maintaining a drug free workplace.

Any employee who discloses that he/she has an alcohol or drug dependency problem **after** the employee has been notified that he/she must submit to drug or alcohol testing and/or after dependency problems have resulted in unsatisfactory performance, attendance, safety violations, or violations of Port policies **is not** entitled to take advantage of the rehabilitation assistance program discussed in this section.

7.67.5 Discipline Related to Substance Abuse

An employee may be found to have used drugs or alcohol 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.

As a result of disciplinary action arising from a drug or alcohol problem, an employee may be directed to consult with their doctor and other healthcare 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 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 as a condition of continued employment.

When an employee is required to undergo treatment under this policy, the employee may be required, as a condition of continued employment, to agree in writing to:

- Authorize monitoring of the treatment program and the employee's participation by the healthcare provider or insurance company; and
- The terms of a Rehabilitation and Return to Work Agreement, including 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 the Port intervention, testing and monitoring by the Port will not be required. However, evaluation and treatment results may be requested.

Medical confidentiality will be preserved, subject to rights granted by the employee to the Department Head to monitor treatment and program compliance through the employee's healthcare provider.

7.77.6 Testing

7.76.1 Reasonable Suspicion. Where a supervisor has a reasonable suspicion that an employee is under the influence of alcohol or drugs, the employee in question will be asked to submit to discovery testing including urinalysis or a blood screen, or both, to confirm involvement with alcohol or drugs or that the employee is drug or alcohol free at the time in question.

7.76.2 Post Accident. Any employee involved in a job-related accident resulting in property damage in excess of \$200.00 or physical injury requiring off-site medical attention will be required to submit to testing to determine the presence or use or any involvement with alcohol or drugs unless the Port determines in its discretion that the accident could not have been caused by alcohol or drug use.

7.76.3 Random. Employees may be required to submit to testing to determine the presence or use or any involvement with alcohol or drugs on a random or unannounced basis. This may include testing by random selection, testing of an entire department or work unit, or testing of specific identified categories of employees as a group.

7.76.4 Government Regulations. The Port will also conduct testing as required or recommended under the provisions of any state or federal government regulations. Any employee who is within a regulated group requiring testing will be required to abide by the Port's policy as well as any government programs.

7.87.7 Consequence of a Positive Test

An employee who is found to be under the influence of or impaired by alcohol and/or drugs as a result of a test requested by the Port will be subject to disciplinary action including immediate suspension or termination.

7.97.8 Consequence of Refusal to Submit to Testing

An employee who refuses to submit to discovery testing for alcohol and/or drugs will be subject to immediate suspension or discharge, or both. Alleged lack of reasonable suspicion is not grounds to refuse to submit to a test.

7.107.9 Testing Procedure

7.109.1 Employee Representation. When the employee is notified that he or she is required to consent and submit to such test, 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. The presence of a representative shall not disrupt or interfere with the tests.

7.109.2 Authorization to Test. Before a supervisor may require an employee to consent and submit to any test, the supervisor must first obtain concurrence from the Executive Director, or designee, that there is reasonable suspicion to believe that the employee has reported to work with alcohol or drugs present in his/her system.

7.109.3 Procedure for Consent. The employee shall give consent to a blood, urine, saliva or breathalyzer test, or any combination, upon request, by signing a consent form. This form shall contain the following information:

- (a) Employee's consent to release test results to the Port;
- (b) The procedure for confirming an initial positive test result for a controlled substance, including marijuana;
- (c) The consequences of a confirmed positive test results for a controlled substance, including marijuana;
- (d) The consequences of a positive test for alcohol;
- (e) A listing provided by the employee of legally prescribed and over-the-counter medications which may be in the employee's body;
- (f) The right to explain a confirmed positive test result for a controlled substance, including marijuana or a positive test for alcohol; and
- (g) The consequences of refusing to consent to the blood, urine, saliva or breathalyzer test.

7.109.4 Confirmatory Test. In the event that the blood or urine test results are positive for controlled substance(s), including marijuana, the Port 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, which also must be positive~~ before concluding the employee has such substance(s) present in the body.

7.109.5 Employee Requested Test. If a blood or confirmed urine test is positive, the Port 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 purpose of allowing the employee to conduct an independent test at his or her own expense at a laboratory approved by the Port.

7.109.6 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 test results to an extent which is not inconsistent with the need of this policy.

7.109.7: 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 results.

If a question exists, the available information will be reviewed by a licensed physician with training in forensic drug testing.

Except as otherwise required by law, positive test results will generally only be disclosed to the employee, the appropriate EAP administrator, the appropriate management officials necessary to process an adverse action against the employee, and a court of law or administrative tribunal in any adverse personnel action.

7.117.10 Pre-Employment Screening

The Port may invite all successful applicants who are offered an opportunity to interview for a specific job that is classified safety sensitive to consent to a pre-employment drug screen. The applicant will be advised that the presence of one or more controlled substances in violation of this policy may be cause for rejection from further consideration for employment, and that appointment to a position is contingent upon a negative test result. The applicant will be asked to authorize the Port to conduct through the Port's designated physician or laboratory testing facility a drug 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 possible, and no later than forty-eight (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 regarding lawful drug use or possible explanations for a positive test result other than use in violation

of this policy. Such documentation will be reviewed only by medical consultants to determine whether the individual is lawfully using an otherwise illegal drug.

The Port 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 Port for a period of twelve (12) months. The Port shall inform such applicant of the results.

7.127.11 **Definitions**

7.11.1 “Drugs” means all controlled substances, Over-the-Counter Drugs, and Prescription Drugs that are illegally obtained or used in a manner inconsistent with label or prescription conditions.

7.11.2 “Reasonable suspicion” is defined as specific 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 exists.

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

1. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
2. A pattern of abnormal conduct or erratic behavior;
3. 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;
4. Information provided either by reliable and credible sources or independently corroborated; and
5. 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.

7.11.3 “Under the influence” is defined as any detectable level of drugs (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.

7.11.4 “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.

7.11.5 “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.

7.11.6 “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.

7.137.12 **Searches**

Employees have no expectations to be free from search of a locker, desk or contents of other similar Port controlled space. A search for contraband within personally controlled space on Port 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 secured spaces, including vehicles parked on Port property, based upon reasonable grounds or consent. Searches shall be approved by the Port Executive Director or his/her designee, and, if possible, notice to the employee and an opportunity to be present shall be given.

7.147.13 **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 applicant job candidate 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 Port Executive Director, or designee, to obtain guidance on action to be taken.

8.0 EMPLOYEE SEPARATIONS AND DISCIPLINARY ACTIONS

8.1 Layoffs

Layoffs may be implemented on a Port-wide basis or in one or more departments, work groups, or job classifications. Once the scope of the layoff is determined, non-bargaining unit employees generally will be laid off in the following order:

(a) Temporary and Contract employees;

~~(b) Probationary employees;~~

~~(c)~~(b) Regular Part-time employees; and

~~(d)~~(c) Regular Full-time employees, according to: (1) seniority, (2) knowledge, (3) skills, and/or (4) ability as determined by the Port and in cases of equal knowledge and ability.

Although the Port will generally follow the layoff criteria set forth above, the criteria may differ depending on the circumstances associated with each layoff

In lieu of layoffs or where operational needs necessitate it, the Port may reduce the hours of work of Port personnel as it determines appropriate in its discretion.

Bargaining unit employee layoff procedures will follow the Collective Bargaining Agreement in effect at the time of the layoff.

8.2 Voluntary Resignations

To voluntarily resign in good standing, an employee must submit a written letter of resignation to the Department Head allowing at least ten (10) working days' advance notice. Failure to submit a timely written resignation may preclude the individual from future employment opportunities with the Port.

8.3 Disciplinary Actions and Appeals

~~We function~~The Port functions in an environment in which quality and reliability are extremely important. ~~We expect~~The Port expects each employee to contribute to the quality and reliability of ~~our~~the Port's services within the scope of his or her job responsibilities. Failure to meet this standard of performance may be the basis for adjustment in compensation or disciplinary action, up to and including discharge.

It is ~~our~~the Port's policy to follow an approach of progressive discipline for regular employees who have successfully completed their probationary period. This means ~~wethe~~the Port will take appropriate action based on the seriousness of the situation and the circumstances. Discipline less than termination may take the form of an oral warning, a written warning, a performance appraisal indicating below-standard performance in one or more areas, probation, or suspension. Which of these options is chosen, or whether any of them is used prior to termination, will depend on the seriousness of the disciplinary problem. The evaluation of the seriousness of the situation will be made solely by management.

These are examples of conduct that may result in discipline, up to and including immediate discharge:

- Failure or refusal to carry out job assignments and management requests;
- Unauthorized release of confidential information;
- Swearing or verbal abuse while at work;
- Falsification of any work, personnel, or other organizational records;

- Theft or unauthorized taking/removal of Port or co-worker property, or unauthorized charges to one of ~~our~~the Port's accounts;
- Dishonesty;
- Discrimination against or harassment of co-workers;
- Possession, consumption, sale, or being under any influence of alcohol or any controlled substance at work or on work premises (except the use of medications as prescribed by a physician);
- Deliberate damage to ~~our~~the Port's property or that of other employees;
- Fighting with or threatening another employee;
- Inefficient, negligent, or below-standard performance; or
- Excessive absenteeism, tardiness, or failure to report in when absent or late for work.

Although these are examples, other conduct that adversely affects job performance or the reputation of ~~our~~the Port's organization may also be grounds for disciplinary action.

~~8.4 — Grievance Procedure (for Non-Bargaining Unit Employees)~~

~~A non-bargaining unit employee may appeal a disciplinary decision to the Executive Director by filing a written request with the Executive Director within ten (10) calendar days of the date notice was received by the employee. The written notice of appeal must state the reasons why the employee disagrees with the disciplinary action and the remedy sought. Filing of a request for review shall not delay imposition of the discipline. Failure to file a written request conforming to these requirements within the prescribed time limit waives the right to grieve the decision.~~

~~After an employee has timely appealed to the Executive Director, the Executive Director shall review the decision and provide the employee with an opportunity to be heard as to why he or she believes the disciplinary action was improper and consider all available information deemed reasonably necessary to evaluate the employee's grievance. The Executive Director shall advise the employee in writing of the decision to uphold, overturn, or modify the disciplinary action. The decision of the Executive Director following such a discussion shall be the Port's final decision.~~

~~Grievances for bargaining unit employees will be governed by the applicable grievance mechanisms required by the applicable contract.~~

EMPLOYEE CERTIFICATE OF RECEIPT AND ACKNOWLEDGEMENT

I certify that I have received and read a copy of the Personnel Policies Manual of the Port of Astoria. I understand that it is my responsibility to ask questions for clarification if necessary, and to abide by the policies, guidelines and practices it summarizes.

I accept responsibility for understanding and complying with the Port of Astoria’s policies, and that it is my obligation to report any concerns that I have or violations of these policies that I observe to the Human Resource Manager or to the Executive Director.

I understand that this Manual is not a contract of employment or a guarantee of specific treatment in specific situations. I understand that this Manual supersedes all prior handbooks, manuals, policies, and understandings on the subjects contained in it.

I understand that my employment is at-will, and can be terminated with or without cause, at any time, at the option of either the Port of Astoria or myself, subject however only to such restrictions as may appear in the Port of Astoria Personnel Policies Manual, a collective bargaining agreement, or individual contract, as each may be amended periodically. I understand that no one except the Executive Director and Commission, has the authority to enter into any agreement contrary to the personnel policies and procedures of the Port of Astoria and any such agreement is invalid unless reduced to writing and signed by the Executive Director.

I understand that this Manual and the policies contained herein are not intended to limit or prevent me from exercising any rights I may have under the National Labor Relations Act (NLRA) and/or equivalent state laws.

Non-exempt employees only: I understand that I am entitled to a break period of 10 minutes and permitted up to 15 minutes for each morning and each afternoon shift I work, and am required to take those breaks. I understand that I am further entitled to a lunch period of at least 30 minutes for every 6 hour shift I work. If, on the rare occasion that my workload prohibits taking a 30-minute lunch period, or if my lunch period is interrupted by work activity, I will record the period as time worked on my time report. I will not return work-related phone calls or emails during my lunch period, and if work-related interruptions are common, I understand that I may be required to leave my work area during my lunch period.

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

Employee’s Signature

Date

Employee’s Name (print name)

APPENDIX A
SICK LEAVE DONATION PROGRAM

The Port has enacted a voluntary Sick Leave Donation Program that allows employees to donate excess sick leave to any eligible recipient. The program is intended to prevent a loss in income to an employee because of a serious personal or family medical issue that requires the employee to have a prolonged absence from employment, and offer income where they otherwise would not have sufficient leave balances to cover that period of absence from work. For purposes of this program, “family member” will be defined the same as under the Port’s Sick Leave policy.

Any employee meeting the following criterion is eligible to participate in this program:

Eligible Recipient: To be eligible to receive donated sick leave from other employees, an employee must:

- a. Have applied for and been approved for either a leave of absence due to a serious medical condition under the Family and Medical Leave Act (FMLA) and/or Oregon Family Leave Act (OFLA), or a voluntary leave for similar reasons because the employee was not eligible for FMLA/OFLA.
- b. Have exhausted his or her own sick leave bank such that the balance in the employee’s sick leave bank will be zero prior to the expiration of the approved leave, and is not eligible for leave under Paid Leave Oregon.
- c. Have received less than 160 hours of donated sick leave in the applicable leave year.

Eligible Donor: To be eligible to donate sick leave to another employee, an employee must:

- a. Have a minimum of eighty (80) hours of sick leave in their own bank after the donation. This minimum level will be prorated for part-time employees.
- b. Donate sick leave in one (1) hour blocks.
- c. Donations will be limited to no more than forty (40) hours of sick leave per year.

Donor Notification: See a sample announcement below.

The tax liability associated with donated leave will be the responsibility of the recipient, in compliance with IRS Rev. Rul. 90-29. Donated leave time, when paid out, will be subject to all tax liabilities and required withholdings that would otherwise be applicable to regular wages issued to the recipient including federal, state and FICA withholding.

Sick Leave Donation Procedures

1. Application by Employee. Eligible recipients may request sick leave donation up to 160 hours per applicable leave year by submitting a completed Sick Leave Transfer Request form to the Human Resource Manager. If the eligible recipient is not capable of making the request, a personal representative of the eligible recipient may make the request on his or her behalf. An employee may request that the donation request announcement to other employees be anonymous.
2. Port Review and Approval. The Port will review the application, verify the leave balances and notify the employee of the approval or denial of the request, typically within three (3) business days of receipt. If the application is denied, the reason(s) for the denial will be provided to the applicant in writing.
3. Notification of Donor(s). The Port will then notify all Port employees using the template Donor Notification Announcement, and typically within three (3) business days after the application is approved.
4. Donations. Any employee may donate up to forty (40) sick leave hours per leave year in accordance with the requirements outlined under “eligible donor.” Donors must submit a signed copy of the donation form to the Human Resource Manager.
5. Anonymity. Donors shall remain anonymous.
6. Leave Bank Changes. Upon receipt of an approved donation, the Port will credit the recipient’s sick leave bank and reduce the amount of the donor’s sick leave bank. The Port will maintain a file separate from the personnel file with the donated hours information. The hours donated will be multiplied by the donating employee’s rate of pay to calculate a total dollar value of the donated leave. That total value of the donated leave will then be divided by the receiving employee’s current hourly rate of pay and applied to their accrual bank to cover any time off that would have otherwise been time without pay.
7. Accruals. While an eligible recipient is receiving paid sick leave that has been donated in accordance with this program, the recipient will accrue vacation and sick leave benefits just as if the recipient were using his or her own leave.
8. Unused Leave. If there is more time donated than is needed, the donated time will be returned to the donating employee(s) on a last donated first returned basis.
9. Notification to the Recipient. The Port will notify the eligible recipient if the amount donated will or will not cover the amount requested.

The Port will review the Sick Leave Donation Program periodically, and typically at the end of the calendar year to ensure that it is used as intended and does not create or impose additional liabilities upon the Port. The Program may be discontinued at any time with notice to employees, in the event the Port determines that it is being abused or that it is otherwise prudent.

~~The Human Resource Manager will advise and confer with employee unions if there are proposed changes to this program on the basis of that review.~~

Sick Leave Transfer Request Form

Employee Name: _____

Employee ID #: _____

I am requesting approval to receive donated leave under this program. I have applied for and been approved for FMLA/OFLA leave, or am ineligible for such leaveleaves, and do not have leave available under Paid Leave Oregon, but have a voluntary leave approved, commencing on _____ and scheduled to end on _____. I anticipate my sick leave banks will be depleted before my approved leave will end. I understand I am only entitled to receive a maximum of 160 hours of donated sick leave per leave year.

I wish to retain _____ hours of vacation

I wish to retain _____ hours of sick leave

Total Hours: _____ *Note the combination of retained hours above cannot exceed 20.

If you wish to have the sick leave donation request announced anonymously, please check this box.

Employee's Signature

Date

If you are signing as a Personal Representative, please provide your full name, relationship to the employee or legal designation as applicable, and contact information (address and telephone required, e-mail optional) below:

The employee will come within the hours of leave accruals required for participation in the program on _____ date.

Approved by: _____

Date

Title: _____

Date

Donor Notification Announcement

_____ (Receiving employee's name, unless anonymity has been requested) has been approved as an eligible recipient for sick leave donation. This is a voluntary program, which allows employees to donate excess sick leave to another employee who is experiencing a serious health condition, or who has a family member who is experiencing a serious health condition and requires the employee's assistance, that would otherwise cause that employee to have a loss in income. The anticipated duration of the period for which sick leave donation is requested is _____ weeks.

In order to be eligible to donate sick leave, an employee must:

- Have a minimum of eighty (80) hours of sick leave in his/her own bank after the donation. This minimum level will be prorated for part-time employees.
- Donate sick leave in one (1) hour blocks, but not more than forty (40) hours.

If you wish to voluntarily donate sick leave and meet the above qualifications, complete the attached form. To be valid, a signed, hard copy of the form must be returned to the Human Resource Manager.

Sick Leave Donation Form

To be completed by the Donating Employee

Employee Name: _____ **Employee ID #:** _____

HOURS:

Sick Leave Hours Available: _____

Sick Leave Donation: _____
(Donation must be in one (1) hour increments, and no more than forty (40) hours)

Sick Leave Balance: _____
(Remaining balance has to be eighty (80) hours or more)

My signature below authorizes the above amount of sick leave to be transferred to the following employee (leave blank if anonymous) _____ under the provisions of the Sick Leave Donation Program.

Employee's Signature

Date

Approved by: _____

Title: _____

Date

Date

APPENDIX B
SAMPLE VACATION ACCRUAL SCHEDULE

Sample of vacation accrual schedule based on a hypothetical date of hire of: 1/1/2000.

1	1/1/2001	2 weeks
2	1/1/2002	2 weeks
3	1/1/2003	2 weeks
4	1/1/2004	2 weeks
5	1/1/2005	2 weeks
6	1/1/2006	3 weeks
7	1/1/2007	3 weeks
8	1/1/2008	3 weeks
9	1/1/2009	3 weeks
10	1/1/2010	3 weeks
11	1/1/2011	4 weeks
12	1/1/2012	4 weeks
13	1/1/2013	4 weeks
14	1/1/2014	4 weeks
15	1/1/2015	4 weeks
16	1/1/2016	4 weeks
17	1/1/2017	4 weeks
18	1/1/2018	4 weeks
19	1/1/2019	4 weeks
20	1/1/2020	4 weeks
21	1/1/2021	4 weeks
22	1/1/2022	4 weeks
23	1/1/2023	4 weeks
24	1/1/2024	4 weeks
25	1/1/2025	4 weeks
26	1/1/2026	5 weeks

(5 weeks is the maximum, so this is where it stays until retirement.)



AIRPORT ON-CALL & HOLIDAY POLICIES

November 2024

**THE FOLLOWING ARE AIRPORT-SPECIFIC POLICIES DESIGNED TO
SUPPLEMENT THE PERSONNEL POLICY DATED NOVEMBER 2024**

On Call Policy

The airport supervisor is responsible for assigning one on-call person for before or after regular office hours. This employee must be able to respond to a call with a reasonable response time (30-45 minutes at the maximum).

Upon arrival at the airport, the employee is subject to all conditions in the Port's personnel policy, which includes the following (from Port Personnel Policies section 7.1): Employees shall not report to work nor return to work from lunch impaired by or otherwise under the influence of alcohol or illegal and/or legal drugs.

Callout Pay

When an employee is called out to the airport, they will be paid at their overtime rate for a minimum of 2 hours, regardless of time worked. This should be marked on timecards under the "Callout" category as 2 hours, or actual time worked if in excess of 2 hours.

Recognition of Holidays: Holidays will be observed on the actual day, regardless of whether this is a weekday or weekend.

Holiday Work

On holidays as outlined in section 4.3.1 of the Port Policies, the Airport will be open for on-call service only.

Airport employees scheduled to work that day are responsible for:

- Opening the FBO Building to the public at 8:00 AM with other necessary start-of-day tasks
- Performing all quality assurance inspections on all equipment dispensing fuel and the fuel farms
- Locking the FBO Building to the public at 5:00 PM with other necessary end-of-day tasks

Employees who are required to work on a holiday will receive 2.5 times their regular rate of pay for the hours between 8:00 AM and 5:00 PM, regardless of whether they are hours worked, on-call, or called out.

Outside of regular operating hours but within the 24-hour period that a holiday falls on, the employee designated as on-call will not receive pay *unless* they are called out. A callout on a holiday outside of normal operating hours will be paid at 2.5 times their regular rate for a minimum of two hours.



SECURITY GATE GUARD ON-CALL POLICIES

November 2024

**THE FOLLOWING POLICIES ARE SPECIFIC TO ON-CALL GATE GUARDS
AND ARE DESIGNED TO SUPPLEMENT THE PERSONNEL POLICY DATED
NOVEMBER 2024**

Purpose

The purpose of this policy is to establish a procedure for on-call security staff to be available for vessel support as needed. Security staff will be contacted based on an on-call list until a full crew is assembled.

Scope

This policy applies to all security personnel who have agreed to be on-call for vessel support. Security staff are classified as part-time employees and will not be required to be available during specific periods of time but are expected to respond promptly when contacted.

Procedure

An updated on-call list of security staff will be maintained by the security supervisor or designated personnel. When vessel support is required, the security supervisor or designated personnel will begin contacting security staff based on the on-call list. Once a staff member accepts the call, they are expected to report for duty as instructed.

Sick Time

Sick time will be accrued according to the Port of Astoria's most recent Personnel Policies for part-time and temporary or contract Port employees. Security staff who are unable to report for a scheduled shift due to illness are entitled to sick pay in accordance with company policy. Staff should notify the security supervisor as soon as they are aware that they cannot fulfill their on-call duty due to illness. Sick pay will be provided based on the hours the staff member was scheduled to work during vessel support and will be calculated according to the standard sick pay rate.