OVERVIEW AND PURPOSE OF PERSONNEL POLICIES
These policies provide rules and regulations for all employees of the Merlin/North Valley Sanitary District (which is referred to as "the District" throughout these policies) relative to matters of personnel administration, except that the General Manager serves at the pleasure of the Board of Directors and is the Board of Director’s representative in relation to application and administration of these policies to all other District employees.

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

These policies replace and supersede all pre-existing policies, procedures, or orders relating to personnel matters of the District and its employees, unless contained in a written document approved by the District Manager and/or Board of Directors. Department heads should ensure that existing department policies are consistent with this manual.

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

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

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

The District Manager may vary or modify any District personnel policy, on a case-by-case basis, if it is found that strict application of the policy is impractical or if it would result in hardship. Exceptions granted in any instance will not be binding in the future.

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

The District Manager is charged with responsibility for the interpretation and application of the policies.

The District Manager may specifically delegate in writing the authority for the enforcement of rules and policies.

The District Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend, or otherwise modify administrative rules and regulations pursuant to Board policies and shall advise the Board on any changes concerning these rules and regulations. The Board delegates to the District Manager broad discretion in all aspects of personnel and labor relations, subject to the advice and concurrence of the Board.

Labor negotiations (including the settlement of any grievance after that grievance has been denied by the Board or a committee thereof) must and in every instance shall be approved by the Board of Directors before the District may be bound.

**APPOINTMENTS, QUALIFICATIONS, AND SEPARATION**

**Job Announcement**

A job announcement will be made for any vacant position within the District and shall be initiated by the District Manager. The announcement shall specify title and salary range of the position, the nature of the duties performed, qualification requirements, the time and place to apply, and may include the selection process to be used. Job announcements shall be posted on appropriate bulletin boards, and may be published in District publications [and appropriate newspapers or newsletters]. Job announcements will be posted a minimum of 10 working days prior to the closing date.

**Applications**

Appointment to positions is through an open competitive process and will be based on merit and qualification. Promotional appointments may be made exclusively from employees if it is determined that a sufficient number of employees are interested and qualified to compete through an internal selection process. Ordinarily, all vacancies will be posted internally and advertised externally, in order to hire the most qualified applicant.

Applications shall be available in the District's office. Applications will be accepted only for advertised openings. Applicants will complete the application form and any supplemental materials required by the District for positions within the time period specified in the job announcement.

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

**Eligibility**

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

**Selection**

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

- Pre-Employment Drug Screening for Safety Sensitive Positions
  Applicants who are offered an opportunity to interview for a “safety sensitive” position will be required to consent to a pre-employment drug screen. Safety sensitive is defined as “Discharge duties fraught with risk of injury to others that even a momentary lapse of attention can have disastrous consequences.” Examples: police, firefighters, dispatchers, maintenance personnel, emergency response, utility workers, positions wherein driving is an essential aspect of daily duties, etc.

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

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

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

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

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

Probationary Period
New and rehired employees shall serve a probationary period of [six (6) months] commencing with their first day of employment [except firefighters, security, or police employees, for whom the probationary period should be not less than twelve (12), and preferably eighteen (18)]
months]. The District can extend the duration of the probationary period up to six (6) months if, in its sole determination, such an extension is appropriate. Upon promotion, probation is six (6) months unless otherwise specified in the position or at the time of the promotion opportunity.

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

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

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

Employee Status

- Regular Full-Time Employees
  An employee who regularly works a minimum of forty (40) hours a week on a continuing basis, and who has completed the probationary period, is considered a regular full-time employee.

- Regular Part-Time Employees
  An employee who regularly works less than forty (40) hours a week is considered a regular part-time employee once the probationary period is successfully completed. [The District shall pay a proportion of benefits, based on the regular hours of work.]

- Temporary Employees
  Temporary employees are defined as those employees holding jobs of limited duration arising out of special projects, abnormal work-loads or emergencies. [Temporary employees are ineligible for employer-paid benefits.]

Duration of Employment
All employees, except temporary employees, are hired for an unspecified duration. The District may not guarantee employment for any specific length of time. Employment is at the mutual consent of the employee and the District. Accordingly, either the employee or the District can end the employment relationship at any time, in accordance with District procedures [and applicable collective bargaining agreements.]

Discipline and discharge may occur subject to the policies and procedures set forth on page 251, except these shall not apply to a probationary employee.

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

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

**Employment of Relatives**

Relatives of employees may be hired by the District only if individuals concerned do not work in a direct supervisory relationship or otherwise create a potential conflict of interest that would interfere with the normal operation of the District. “Member of an individual’s family” is defined by applicable Oregon law as wife, husband, son, daughter, mother, father, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent or stepchild. Present employees who marry will be permitted to continue work if they do not work in a direct supervisory relationship with one another or otherwise create a potential conflict. Employees will be allowed to accept a transfer including a demotion to an available and suitable position to avoid direct supervision by a relative. If this cannot be accomplished, one of the employees may be terminated.

**Physical Examinations**

An offer of employment may be contingent upon an applicant's successful completion of a medical examination to determine if the applicant is able to perform the essential functions of the job, with or without reasonable accommodation and without direct threat to the health or safety of the applicant or other persons. If required, this examination will be provided by the District at District expense. Any information gathered will be treated as a confidential medical record. The scope of the post-offer medical examination need not be limited to the ability to perform essential job functions and may include a base-line physical exam and other inquiry into the applicant's physical and/or mental condition.

In order to ensure continued qualification for employment, the District may request its employees to submit to a medical examination when the request is job related and consistent with business necessity at the District's expense. Medical examinations may be required to support family medical leave situations, including requests for second or third opinions and fitness for duty certifications, as provided by family medical leave laws and the District's policies.

**Driving Record**

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

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

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

**Layoffs**

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

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

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

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

**Voluntary Resignations**

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

**Personnel Records**

- Maintenance of File
- Official personnel records of employees shall be maintained by the District. If there is a change of name, address, telephone number, marital status, or number of dependents, the District should be notified in order to keep applicable records up to date.

- Removal
  Documents shall not be removed from a personnel file, except pursuant to a determination by the District Manager that each particular document is not accurate, or is no longer relevant or timely to any personnel or performance matter. Any document which is removed shall be maintained in a separate file containing all such documents, not indexed under the name of any employee.

- Medical Records
  Documents containing medical information shall be kept in a separate, confidential file that is not part of the employee's personnel file. While these records shall be treated as confidential, supervisors and managers may be informed regarding necessary work restrictions and necessary accommodations. First aid and safety personnel may be informed, when appropriate, of an employee's disability, if the disability might require emergency treatment. Government officials investigating compliance with discrimination laws shall be provided relevant information on request.

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

- No material of a negative or derogatory nature shall be placed in an employee's file unless a copy is given to the employee.

- Employees may be allowed to include in their personnel file any material deemed relevant to job qualifications or performance, in the judgment of the District. Employees may inspect and review their personnel files, excluding confidential reports from previous employers and all other information gathered prior to the date of hire.

- Employees may protest, or comment upon in writing, any materials placed in their personnel file. Such protest/comments shall be placed in the personnel file.

- Procedure For Access By Employee
  - Employees wishing to inspect/review their personnel file shall make an appointment in advance with the District Manager.
  
  - An employee must receive a copy of such records within 45 days following a request. Employee may be charged the actual cost of providing this service.

- Access to Personnel Files - Persons Other Than Employee
  - Personnel files are exempt from disclosure under the provisions of ORS 192.502(2) if disclosure would constitute an unreasonable invasion of privacy. Records of discipline may be exempt from public disclosure.

- Any person seeking disclosure of material that would constitute an unreasonable invasion of any employee's privacy shall have the burden of showing that public disclosure would not constitute such an unreasonable invasion of privacy, by clear and convincing evidence.

- In any event, no information in any employee's personnel file will be released until the employee is notified and has a reasonable opportunity to comment on the request, except as required by Oregon law. In all cases, the District must determine whether or not particular personnel records of any District employee are subject to public disclosure. An employee's expectation of confidentiality and privacy is, in each case, subject to the requirements of Oregon's Public Records Law.

- Information regarding an employee's address, telephone number, work history, performance or salary will not be given over the telephone. Only employment dates and job title may be released verbally.

- Verification of employment, requests for salary or other confidential information must be in writing, signed by the employee, authorizing release of specific information.

- Work reference requests, for both present and terminated employees, must be in writing and signed by the employee, authorizing release of information, and continuing an effective authorization to disclose
and release of liability (as determined by the District) for providing such information.

- **Management Review of Personnel Files**
  - Upon request of an employee, adverse material in the personnel files will be reviewed by the District Manager to determine the continued appropriateness of retention.
  - Materials deemed inappropriate or no longer relevant may be removed from the personnel file with the employee concerned so notified. Criteria which may be used include age of the material, seriousness of the infraction, and instances of repeated or similar infractions. However, such information may be maintained by the District in a separate file for purposes of forewarning and litigation defense, but generally not for human resources determinations.

**PAYROLL, SCHEDULING, AND OVERTIME PRACTICES**

**Work Week and Working Hours**
The normal work week consists of forty (40) hours, however this should not be considered as a guarantee of any specific amount of work being made available. Employees are expected to accomplish service priorities in a timely fashion within the normal work week to the greatest extent possible. The hours of employment shall be fixed by the District Manager.

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

- **Salary Review**
  Compensation will be reviewed by the District Manager at the end of an employee's probation. An increase may be recommended to the Board based upon competent and commendable service.

Regular employee's salaries will be reviewed [after twelve (12) months] of continuous employment in the current classification. Wage increases are not automatic. The District Manager make salary recommendations to the Board of Directors based upon merit. For exceptional performance the District Manager may recommend a merit increase to any employee paid below the top of the range, and if granted, it may be reduced to the step appropriate at any time extraordinary performance ceases.

**Overtime**
Employees who are non-exempt under the Fair Labor Standards Act will be paid for all hours in excess of 40 in a workweek at the rate of time and one-half their regular rate [unless a collective bargaining agreement provides otherwise].

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

**Meal Periods**

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

**Payday**

The District's payday is the 7th of the month. A mid-month payroll draw of $300 may be authorized upon written request by the employee.

**Payroll Deductions**

- **Required Deductions**
  
  Federal and state laws require the following deductions from every paycheck:
  
  - Federal Withholding Tax;
  
  - State Withholding Tax;
  
  - Social Security Taxes (FICA);
  
  - State Accident Insurance-Employee Surcharge;
  
  - Court Ordered Child Support Payments or Garnishments; and
  
  - Retirement.

- **Optional Deductions**
  
  Other deductions may be made from the employee's paycheck with the employee's written request, including, but not limited to:
  
  - Credit Union participation;
  
  - United Way contribution;
  
  - Insurance contribution;
  
  - Any other deduction of general interest to District employees affecting five or more employees may be authorized by the employee in writing, with approval of the Finance Director;
  
  - Union Dues; or
  
  - Monies due to the District which are in the nature of a loan where the employee has voluntarily signed a repayment agreement, the loan was in cash or equivalent, the loan was solely for the employee's benefit and the deduction does not exceed the limits of ORS 23.185(a) or (d).

- **Deferred Compensation**
  
  Any District employee may elect to enroll in a deferred compensation plan approved by the District. Deferred compensation accounts will be established on behalf of any employee who is willing to make contributions to the plan in accordance with plan requirements.

**Medical and Life Insurance**

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

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

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

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

**Documentation Objectives**
The Procedures for documenting the expenses involved with employee travel on District related business activities are designed to provide public accountability in two areas:
- Pre-approval of all travel requests to ensure that the travel is appropriate to the needs of the District and that budgeted funds are available for specific travel requests; and
- A complete accounting of the actual expenses for the travel to ensure that the expenses reported for reimbursement are appropriate and provide appropriate documentation.

**Approval**
The District Manager shall authorize registration, travel, and attendance expenditures in advance within the budgeted amounts adopted by the Board. Prior to submittal for District approval, the request must be approved by the District Manager.

**Travel Request**
At least two weeks prior to the anticipated travel, the employee should submit a completed REQUEST FOR EXPENSES form to the District Manager. This will document advance approval of the requested travel and provide a basis for an advance of funds to the employee.

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

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

**EMPLOYEE TRAVEL AUTHORIZATION AND REIMBURSEMENT**

**General Expectations**
All employees of the District are expected to use good judgment regarding the expenditure of funds for travel expenses.
- **Transportation**
  The actual cost of transportation, taxi fares, telephone calls, and similar items incidental and necessary to the performance of official business while on travel status will be paid. If the employee's personal vehicle is used, the District will reimburse the employee at the current IRS mileage rate for the actual mileage required for the trip. Parking and other related expenses must be documented by receipt.

- **Lodging**
  Hotel and motel accommodations should be appropriate to the purpose of the trip. Expenses for lodging must be supported by actual receipts. Reimbursement for lodging is generally limited to the expense of a single room, except where employees are sharing a room.

- **Meals**
  Employees will be allowed a per diem rate of $25.00 per day for meals. This is broken down as follows: $6.00 for breakfast, $7.00 for lunch, and $12.00 for dinner. No receipts are required for meals covered under the per diem. With approval, an employee may be reimbursed for actual meal expenses incurred up to $35.00 per day, with receipts required under this provision.

- **Telephone and Facsimile**
  Expenses for telephone and facsimile communications are reimbursable only if they are directly related to District business and are supported by actual receipts. Personal telephone calls charged to the District or to your room and paid by the District must be reimbursed.

- **Registration and Tuition Fees**
  Expenses for conference registration, conference meals, activities and tuition fees are allowable expenses. A copy of the registration must be attached to the Request for Expenses form.

- **Accompanied Travel**
  Any expenses for family members who accompany the employee on a trip are not reimbursable.

- **Alcoholic Beverages**
  Expenditures for alcoholic beverages may not be reimbursed by the District.

**TIME OFF**

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

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

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

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

<table>
<thead>
<tr>
<th>Years of Continuous Service</th>
<th>Monthly Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 1</td>
<td>6.673 hours</td>
</tr>
<tr>
<td>2 through 5</td>
<td>8.000 hours</td>
</tr>
<tr>
<td>6 through 10</td>
<td>10.000 hours</td>
</tr>
<tr>
<td>11 through 15</td>
<td>13.329 hours</td>
</tr>
</tbody>
</table>
Employees may accrue up to 240 hours of vacation accrual. Accruals will not be posted to increase any employee's vacation balance in excess of 240 hours and will be forfeited or may be directed as time off or paid in the District's discretion. Vacations must be scheduled and approved by the District Manager in advance or by designated supervisors.

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

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

Part-time employees receive pro-rated holiday benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

SAFETY AND ACCIDENTS

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

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

Unsafe Conditions
- Employee Responsibility

Every employee is responsible for safety as a specific job assignment. To achieve the District goal of providing a safe work place, everyone must be aware of safety at all times. Employees shall report immediately any unsafe or hazardous condition directly to a supervisor, if it cannot be corrected safely and independently. Every effort will be made to remedy safety problems as quickly as possible.

- Management Responsibility
  The District will establish and administer a safety committee or hold safety committee meetings. Each department supervisor shall frequently review the need for implementing safety practices, policy, or procedures warranted by hazards. Each accident and "near miss" is cause for review. A copy of such policies shall be delivered to all department employees. Department heads will periodically involve employees in the process. The need for periodic training shall be considered and arranged, as determined by the department head.

- Managing Unsafe Conditions
  It is every employee's responsibility to observe and identify conditions which could pose a hazard to employees or to the general public.

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

  - Safely eliminate the hazard, and obtain necessary assistance;
  - Safely control the hazard by enclosure or guard;
  - Employ avoidance procedures; and
• Use personal protective equipment as appropriate.

**Accident Reporting**

Accidents involving the District must be reported in detail as soon after the occurrence as possible. All accident reports should be submitted to the District Manager.

• Vehicular Accidents
  Accidents involving other District owned vehicles or personal vehicles being operated on District business must also be reported to a police agency for investigation. Any accident resulting in personal injuries or death must be reported immediately to the District office.

• Other Accidents
  Accidents involving damage to equipment or property, or personal injury, must also be reported to the District Manager. The District Manager will determine the need for further investigation.

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

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

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

**Workers’ Compensation Insurance**

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

**Return-to-Work Policy**

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

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

• All requests to return to work must be accompanied by a dated, written release signed by your attending physician. This release must clearly specify whether you are released for your former job or are restricted in any way.

• Requests to return to work must be made no later than the seventh (7th) calendar day following the date of your physician’s signature on the written release. Except where, in our opinion, extenuating circumstances exist, failure to make a timely request terminates your right to reinstatement.
or reemployment. Failure to seek a written release upon your becoming able to return to work may constitute abandonment of your right to reinstatement or reemployment. However, if the District has 20 or fewer employees both at the time of your injury and at the time of your request to return to work, the District has no obligation to reinstate you.

- Requests to return to work may be brought in personally or mailed to the District. If mailed, the request should be directed to the person listed below. Requests brought in personally will be deemed made the date on which the written request is given to the District. Mailed requests will be deemed made on the date of receipt. All requests will be date stamped upon receipt.

- All requests to return to work must be directed to the District Manager.

- If a suitable job is not available at the time of your request, you must contact the District Manager in person or by telephone once a week to renew your request. If a period of 10 days elapses without such a contact, you will be considered to have abandoned your right to be returned to work.

- All job offers will be made by telephone. It is your obligation to keep the District advised of any changes in your telephone number.

- If you are offered a suitable position in response to your request to return to work and you refuse to accept it, you will be considered to have voluntarily terminated your employment and abandoned your right to reinstatement or reemployment.

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

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

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

For purposes of this policy, violent behavior is defined as:

- The actual or implied threat of harm to an individual, group of individuals, or associates of those individuals.

- The possession on District property of
weapons of any kind, unless specifically authorized by District management, or the brandishing of any object that could reasonably be construed as a weapon. Weapons include, but are not limited to, guns, knives, explosives, tear gas, and mace. District property includes parking lots. Weapons are not permitted in cars parked in District lots, and this includes rifles during hunting season.

- Loud, angry, or disruptive behavior ("temper tantrums"). Such outbursts are clearly not an acceptable part of the District’s work environment.

- Negligent or intentional disregard for the physical safety or well-being of others.

- Willful destruction of District or other employee property.

- Commission of any violent crime on District property.

- Any other conduct that a reasonable person would perceive as constituting actual or threatened violence.

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

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

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

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

**WHAT THE DISTRICT EXPECTS FROM YOU**

**Teamwork and Excellence**

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

**Personal Conduct**

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

**Code of Ethics for District Employees**

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

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

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

**Political Activities for District Employees**

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

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

**Attendance and Punctuality**

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

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

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

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

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

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

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

**Outside Employment**
- **District Comes First**
  When an individual accepts employment with the District it is understood that the District has first call upon the services of its employees, regardless of any effect on secondary employment.

- **Incompatible Work**
  Employees shall not engage in outside employment that conflicts in any way with District employment, detracts from the efficiency of work performance, or is in conflict with the interests of the District. The District expects employees to avoid extra work which affects endurance, overall personal health, or effectiveness. The District will hold all employees to the same standards of performance and scheduling demands, including employees who hold outside jobs.

- **Notification**
  Employees shall notify the District Manager in writing, in advance, of all employment outside the scope of their employment with the District.

- **Conflicts**
  The District Manager will notify the employee at any time outside employment is found to be in conflict with the interests of the District or is likely to bring discredit upon the District. It shall be up to the employee to choose which employment option is most desired.

**Drugs and Alcohol**
- **Statement of Concerns**
  - The District has a responsibility to its employees, and the public to ensure safe working conditions for its employees and a productive workforce unimpaired by chemical substance abuse. The District has a responsibility pursuant to the Drug Free Workplace Act of 1988. To satisfy these responsibilities, the
District must preserve a work environment free from the effects of drugs, alcohol, or other performance-impairing substances.

- The misuse of alcohol and other drugs can impair employee performance, as well as physical and mental health, and may jeopardize employee safety as well as the safety of the public.

**Policy**

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

- An employee whose position has been classified as “safety sensitive” may be asked to submit to pre-employment, random controlled substance testing, reasonable suspicion testing and post-accident discovery testing to confirm that they are drug or alcohol free. Testing includes a urinalysis or blood serum, or both. An employee who is returning to safety-sensitive functions after engaging in conduct prohibited by this policy concerning alcohol may also be required to undergo a return-to-duty alcohol test.

- Each employee is responsible for meeting performance, safety, and attendance standards.

- Employees shall not report to work under the influence of intoxicating liquor or illegal drugs.

- The use, sale, possession, manufacture, distribution, and/or dispensing by an employee of an intoxicating liquor, controlled or illegal substance, or a drug not medically authorized, or any other substances which impair job performance, or pose a hazard to the safety and welfare of the employee, other employees or the public, is strictly prohibited. The use of alcohol or medically prescribed controlled substances off-duty is not controlled by this policy. Conduct in violation of this policy may result in disciplinary action and/or criminal investigation, if appropriate.

- Employees may obtain counseling and rehabilitation through the Employee Assistance Program ("EAP").

- Laboratory tests relied upon shall be highly accurate and reliable.

- Positive test results may only be disclosed to the employee, the appropriate EAP administrator, the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action.

- All medical and rehabilitation records in an EAP will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the patient, authorizing court order, or otherwise as permitted by Federal law implemented at 42 CFR Part 2.

- This policy will be enforced and administered in a manner which is consistent with the value statements set forth in this section, and
with the advice and concurrence of
the District's Board.

- Permitted Use
  It is the employees' responsibility to
determine from a physician whether or
not a prescribed drug can impair job
performance. An employee whose im-
pairment may affect job performance
should take sick leave or other steps
consistent with advice of a physician.
If an employee reports to work under
the influence of prescription medi-
cation and endangers self or others, the
employee may be disciplined. Any
failure to report the use of such drugs
or other substances following an event
of concern to the District, or failure to
provide evidence of medical author-
ization, can result in disciplinary
action.

- Reports of Drug Conviction
  Each employee must report facts and
circumstances to the District Manager
no later than five (5) days after
conviction for violating any criminal
drug statute.

- Employee Education
  The District will afford employees an
opportunity to deal with drug and
alcohol related problems. The District
Manager maintains information
relating to the hazards of and treatment
for drug and alcohol related problems.
Proactive training and information
shall be sponsored by the District
periodically. Any District employee
may seek advice, information, and
assistance voluntarily. Medical
confidentiality will be maintained,
consistent with this policy.

- Employee Assistance
  Any employee who voluntarily re-
quests assistance in dealing with a
personal drug and/or alcohol problem
may do so through a private treatment
program for drug and alcohol prob-
lems. The District Manager will assist
employ-ees who wish to identify and
select an appropriate treatment
program.

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

- Discipline Related to Abuse
  An employee may be found to use
illegal drugs on the basis of any
appropriate evidence including, but not
limited to:

  - Direct observation;
  - Evidence obtained from an arrest
    or criminal conviction;
  - A verified positive test result; or
  - An employee's voluntary admis-
    sion.

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

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

- Monitoring of the treatment program and the employee’s participation by the Board or the District Manager; and

- Submission to random blood and/or urine screening for alcohol and/or drugs for a specific period of time not to exceed thirty-six (36) months.

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

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

- Drug Testing Upon Reasonable Suspicion

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

- Consequence of a Positive Test
  An employee who is found to be under the influence of or impaired by alcohol or illegal drugs as a result of a test requested by the District, based upon reasonable suspicion, will be subject to disciplinary action including suspension or termination.

- Consequence of Refusal to Submit to Testing
  An employee who refuses to submit to discovery testing for alcohol and illegal drugs will be subject to suspension or discharge, or both. Alleged lack of reasonable suspicion is not grounds to refuse to submit to a test; however, it is reason to challenge discipline if discipline is imposed based on the test result alone.

- Testing Procedure
  - Employee Representation
    When the employee is notified that he or she is required to consent and submit to such tests, he or she may request the presence of a representative to witness the test. The test may not be delayed unreasonably in order to wait for a representative. The absence of a representative shall not be grounds for the employee to refuse to consent and submit to such tests or searches.
The presence of a representative shall not disrupt or interfere with the tests or searches.

- **Authorization to Test**
  Before a supervisor, acting on behalf of the District under this policy, may require an employee to consent and submit to any test, the supervisor must first obtain concurrence from the District Manager or the Board that the information available to the District about the subject employee is sufficient to determine reasonable suspicion that prohibited conduct will be established as a result of the test.

- **Procedure for Consent**
  The employee shall give consent to a blood, urine, or breathalyzer test, or any combination, upon request, by signing a consent form. The form shall contain the following information:
  - Employee's consent to release tests results to the District;
  - The procedure for confirming an initial positive test result for a controlled substance, including marijuana;
  - The consequences of a confirmed positive test result for a controlled substance, including marijuana;
  - The consequences of a positive test for alcohol, under the circumstances;
  - A listing provided by the employee of legally prescribed and over-the-counter medications, which may be in the employee's body;
  - The right to explain a confirmed positive test result for a controlled substance, including marijuana, or a positive test for alcohol; and
  - The consequences of refusing to consent to the blood, urine, or breathalyzer test.

- **Confirmatory Test**
  In the event that the blood or urine test results are positive for controlled substance(s), including marijuana, the District shall require that a second confirmatory test from the same sample be conducted, using gas chromatography/mass spectrometry methods performed by a laboratory certified by the National Institute on Drug Abuse. This test also must be positive before concluding the employee has such substances(s) present in the body.

- **Employee Requested Test**
  If a blood or confirmed urine test is positive, the District will instruct the laboratory to retain the blood or urine sample for a period of not less than thirty (30) calendar days from the date the tests are complete for the purposes of allowing the employee to conduct an independent test at his or her own expense at a laboratory approved by the District.

- **Chain of Evidence**
  The procedures to obtain, handle, and store blood and urine samples and to conduct laboratory tests shall be documented to establish
procedural integrity and chain of evidence. Such procedures shall be administered with due regard for the employee's privacy and the need to maintain the confidentiality of tests results to an extent which is not inconsistent with the needs of this policy.

- Notification
  The employee shall be notified of the results of all tests conducted pursuant to this policy. Employees who test positive shall be afforded an opportunity to provide medical or other information that may explain the positive test result. If a question exists, the available information will be reviewed by a licensed physician with training in forensic drug testing.

- Random Drug Testing
  The District will perform random alcohol testing and random controlled substance testing for employees whose positions have been classified as “safety sensitive.” The dates for the tests will not be announced and will be spread throughout the calendar year. An employee who is notified of selection for random testing must proceed to the test site immediately.

- “Post-Accident Testing”
  In the event of an accident involving a commercial motor vehicle, the District will test each driver who was performing safety-sensitive functions with respect to the vehicle if the accident:

  - involved loss of human life;
  - the driver receives a citation under state or local law for a moving traffic violation arising from the accident and one or more motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle, and/or bodily injury to a person who as a result of the injury receives medical treatment away from the scene.

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

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

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

• Newly discovered evidence that the employee has tampered with a previous drug test.

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

• "Under the Influence" is defined as any detectable level of a controlled substance (in excess of trace amounts attributable to secondary exposure) in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties. With respect to alcohol, a blood alcohol content of .04% constitutes under the influence while on duty.

• "Controlled Substances" are defined as all forms of narcotics, depressants, stimulants, hallucinogens, cannabis, and other controlled substances of which the sale, purchase, transfer, use, or possession is prohibited or restricted by The Federal Controlled Substances Act. "Illegal or controlled substances" means a controlled substance as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

• "Over-the-Counter Drugs" are those which are generally available without a prescription from a medical doctor and are limited to those drugs which are capable of impairing the judgment of an employee to safely perform his or her duties.

• "Prescription Drugs" are defined as those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

• “Searches” Employees have no expectation to be free from search of a locker, desk or contents of other similar District controlled spaces. A search for contraband within personally controlled spaces on District property (purses, garments, brief cases, or a personal vehicle, for example) shall be based on reasonable grounds or consent of the employee. In accordance with the provisions of this policy prohibiting drugs in the workplace, or based upon legitimate concerns for the possession of other unauthorized materials (such as firearms, explosives, or stolen property), this policy constitutes formal notice of the District's intent to search premises, persons and secured spaces, including vehicles parked on District property, based upon reasonable grounds or consent. Searches shall be approved by the District Manager or his/her designee, and, if possible, notice to the employee and an opportunity to be present shall be given.

• “Refusal” Failure to appear for testing without a deferral will be considered
refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector shall contact the District to obtain guidance on action to be taken.

**NON-DISCRIMINATION AND HARASSMENT Equal Opportunity Employment**

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

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

**Harassment**

- **Statement of Concern**
  
  The District will work to eliminate and prevent harassment and to alleviate any effect harassment may have on the working conditions of an employee. All harassment of any employee is forbidden, including unsolicited remarks, gestures or physical contact, display or circulation of derogatory written materials or pictures regarding either gender or disability or racial, ethnic or religious groups, and personnel decisions based on an employee's response to such harassment. The District regards job related harassment as a serious transgression and reason for discipline or discharge.

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

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

  - **Reporting Harassment**
    
    Any employee who feels that he/she is the object of offensive harassing behavior or is aware of harassment of another employee, and/or is urged to report this to an immediate supervisor, department head, or the District Manager. The report may be informal
• Response to Reports of Harassment
  The District will investigate and promptly take remedial action if deemed appropriate. Reports concerning harassment will be forwarded to the District Manager unless there is an allegation against that person, and if so, then written reports will be forwarded to the Board who will delegate the matter to the District's legal counsel. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including department heads. Whenever supervisory employees become aware of allegations of harassment, they will make a written record of the allegations and will forward the record to the District in accordance with this policy.

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

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

  The results of the investigation shall be written. A finding shall be made that there is or is not reasonable cause for disciplinary action. Nothing in this section shall limit the authority of the District to modify policies or practices to correct any appearance of sexual harassment without finding reasonable cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy the situation and prevent similar future incidents.

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

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

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

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

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

**Performance Evaluations**

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

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

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

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

**Regular Review**
All employees will be evaluated at least annually in the month of their anniversary date.

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

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

**Problem Solving Process**

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

Steps to Solution
If at any time an employee believes s/he is not being treated fairly, the employee may report the problem to the department head or the District Manager. Several steps are suggested to insure that a prompt and fair resolution is achieved.

- Talk with your supervisor as soon as possible. Your department head is the person responsible for what goes on in your work areas. S/he will review your problem, and keep you informed of the progress.

- If you believe the problem is not properly resolved you can file a written statement concerning the problem with the District Manager. A copy should be sent to the Board. You will be given a written reply by your supervisor within ten (10) working days after the written statement is received, unless additional time is needed.

- The Board will review any decision upon request, investigate further if appropriate, and issue a decision. The employee's request for consideration of the Board should be made within ten (10) working days from receipt of the supervisor's decision. The employee may present further facts, documents or argument.

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

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

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

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

Discipline – General Guidelines
- Discipline may be initiated for many proper reasons, including, but not limited to, violations of the work rules, insubordination or poor job performance. The severity of the disciplinary action generally depends on the nature of the offense and an employee's work record, and may range from verbal counseling to discharge.
Progressive discipline for infractions include, but is not limited to:

- Verbal counseling;
- Written counseling or warning;
- Temporary reduction in pay in lieu of suspension;
- Suspension;
- Demotion; and
- Discharge.

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

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

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

If no other deficiency occurs during the next twenty-four (24) months, the employee may request the warning be removed from the personnel file.

Documents removed from individual personnel files will be retained by the District in a separate record system not filed by name, which generally shall not be considered in personnel decisions.

- In the event of two or more performance problems or more serious violation of a District policy or rule, a written warning may be issued.

The warning should be signed and dated by the employee. An employee who disagrees with the facts in the warning may submit a written response. It will be placed in the personnel file with the warning.

- A written warning need not pertain to the same or similar matter (issue).

In addition to a written warning, the District Manager may also suspend an employee without pay for a period of up to thirty (30) working days, or take other disciplinary action deemed appropriate. Prior to suspending an employee without pay, the District Manager will meet with and afford the employee an opportunity to respond.

- The District may demote or reduce the pay of employees. A written statement of the reasons for such action shall be furnished to the employee, and a copy shall be made a part of the personnel file. The employee will sign the statement acknowledging he has received a copy of it, and may file a rebuttal statement.

- Discharge may result if the employee violates District policy, commits serious misconduct or
fails to improve the level of performance. However, this statement does not limit the District’s right to end the employment relationship with or without cause, at any time.

- An employee should not be reinstated or otherwise relieved of misconduct if to do so would be contrary to public policy. In determining if reinstatement or other action would be contrary to public policy, the District will look at public policy requirements as clearly defined in statutes or judicial decisions, including but not limited to policies respecting sexual harassment or sexual misconduct, unjustified or egregious use of physical or deadly force and serious criminal misconduct, related to work. Additionally, when an employee claims the employer's alleged previous differential treatment of employees for the same or similar conduct is the basis for reinstatement of an employee who has engaged in misconduct, the following principles apply:
  
  - Some misconduct is so egregious that no employee can reasonably rely on past treatment for similar offenses as justification or defense to discharge or other discipline.
  
  - Public managers have a right to change disciplinary policies at any time, notwithstanding prior practices, if reasonable advance notice is given to affected employees and the change does not otherwise violate a collective bargaining agreement.

**Discharge Procedure**

**Pre-Discharge Conference**

If the District Manager determines there is cause for the serious discipline up to discharge of an employee, the District Manager shall notify the employee of the specific reasons and that a suspension without pay, demotion, pay reduction, and/or discharge is being considered. The employee shall be provided with the facts upon which the contemplated disciplinary actions would be based. The District Manager shall afford the employee a formal opportunity to refute the charges orally or in writing. Once the employee has been afforded an opportunity to refute the charges and explain the facts and circumstances, the employee may be suspended without pay. An employee may be put on administrative leave without pay at any time. If a pre-discharge conference is to be held, it will be scheduled and held three [3] days after notice of action has been given. The employee will be given adequate time to develop a response and to seek necessary outside assistance as the employee feels necessary. The time limits may be varied by the District to meet individual needs.

The District Manager will conduct the conference and decide whether to impose discharge or a lesser degree of discipline, or no discipline as appropriate.

**Appeal of Discipline Action**

- **Right to Appeal from Discipline**
  Any regular employee subordinate to the District's Chief Executive Officer who has been suspended, reduced in pay, demoted or dismissed, shall have the right of appeal to the Board of Directors. Notice of the appeal must be filed not later than ten (10) days of the effective date of the action. The notice of appeal shall include at least the following information: (a) a state-
ment of the complaint and the facts upon which it is based; (b) the remedial action requested; (c) a statement of the reasons why the remedial action is appropriate; (d) a statement of any policies, procedures or law or rules which have not been adhered to or which should be followed. The appeal generally will be heard by the Board of Directors within twenty (20) days after receipt of the request. The Board of Directors shall furnish the District Manager with a copy of the notice of appeal in advance of the hearing.

- Who May Appeal
  Only regular employees not excluded from the application of these policies have a right to appeal disciplinary actions. In addition to formal appeals under this Section, the Board of Directors may give consideration to all suggestions and complaints that concern administration of the personnel policies.

- Investigations
  In connection with an appeal or complaint, with respect to any matter arising under these personnel policies, the District Manager may conduct or cause an investigation to occur as the District Manager deems necessary. The investigator shall make a written report upon all matters investigated under the personnel policies. A copy will be given to the employee and placed in the file.

- Hearings on Appeal.
  - Procedure. The Board of Directors shall set a hearing upon timely requests made under this policy. The employee and the department head or the District Manager shall be given written notification of the time and place of the hearing.

  The order of procedure at the hearing may be as follows, or as otherwise determined as appropriate:
  
  - The department head or a designee will set forth the reasons for the action and the facts on which it is based. The employee may conduct cross-examination if appropriate.
  
  - The employee may present evidence in support of the appeal with or without the assistance of legal counsel or other representative.
  
  - The department head or a designee may cross-examine or submit evidence in rebuttal or both.
  
  - Opening statements, if any, will be brief and confined to the issues. Closing argument, if any, will be first by the department head or a designee then by the employee. The department head may offer rebuttal evidence if desired.
  
  - Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Affidavits and counter-affidavits may be acceptable as evidence. If either party intends to rely on an affidavit, it shall provide the other party with such affidavit together with the name, address and
telephone number of the affiant at least ten (10) days prior to the hearing or such affidavit shall be inadmissible.

- Conduct of Hearings. A hearing before the [Board of Directors] is intended solely for the purpose of receiving evidence either to refute or substantiate specific charges brought to the [Board of Directors]. The hearing shall be conducted accordingly. The [Board of Directors] may impose limits on questioning in the interest of the orderly conduct of the hearing and fairness.

- Counsel or Representative. In appealing a disciplinary action to the [Board of Directors] an employee may, but is not required to, have counsel or other representative. The District’s counsel may assist the [department head, supervisor, or Executive Director].

- Board of Directors Findings. If, after receiving evidence presented in hearings on disciplinary actions, the Board of Directors finds that sufficient evidence supports the charges, that the complained-of action taken by the District Manager was reasonable and was taken for a proper reason consistent with policy, the Board may affirm the action; if they find that the complained-of action taken by the District Manager was not so made, the Board shall fashion an appropriate remedy and the personnel file shall be revised accordingly or purged of any record inconsistent with the Board’s determination. The Board of Directors in lieu of affirming the disciplinary action may modify the discipline as the circumstances warrant.

- The Board may refer any issue to a Hearings Officer who shall conduct the proceedings in accordance with these rules. In such event, all provisions of these rules relating to the duties and authority of the Board shall also apply to the Hearings Officer in the conduct of the hearing. The Hearings Officer shall issue Recommended Findings which shall be reviewed by the Board based solely on the record and applicable law. The Board may adopt the Findings by voice vote. In all other cases the Board shall issue a final written decision within twenty (20) working days from receipt of the Recommended Findings.

At the time of filing of the request of the appeal with the Board, the department head shall supply the employee with an outline of the procedures used by the Board of Directors. The decision of the Board of Directors shall include findings of fact and shall be final.

An employee with remedies under a labor agreement may use this appeal procedure, but may do so only if the employee and the Union waive the right to proceed to appeal under any other policy or contract law or rule.

**ADDITIONAL OPTIONAL SECTIONS TO POLICIES AND PROCEDURES**

**Appeals of Discipline Action for Department Heads**
The standards of conduct, performance, and discipline to which the District holds department heads and managers is quantitatively and qualitatively different (higher) than the standards by which other employees are judged. Discussions of expectations, goals and objectives, and coaching, and counseling should, in the case of management employees, be sufficient. In rare cases of misconduct, it may be that a suspension could be justified, however, ordinarily instances committed by this level of employee warrant either discharge or counseling. The District Manager is expected to ensure standards are established and met, and that an appropriate combination of performance plans, evaluations and counseling are utilized to help the manager succeed. In the event a manager is discharged, asked to resign, or suspended without pay, then such manager may request review of the decision of the District Manager by the Board.

In the event such a hearing is requested, the request shall meet the same requirements of regular employees for process. The hearing procedure involving the District Manager before the Board of Directors shall be conducted in the same manner provided above. The Board shall determine whether the action was taken for sufficient cause and is not arbitrary and capricious as determined solely by the Board of Directors. Sufficient cause shall be judged based on factors which include the considerations set forth above. The following shall also apply:

- Evidence objected to may be received by the Board and, in the Board's discretion, rulings on admissibility or exclusion may be reserved until such time as the Board's findings are issued. In considering the admissibility of evidence, the Board may consider but is not bound by the Oregon's Rules of Evidence.

- If, after receiving evidence presented in hearings on disciplinary actions, the Board finds that the complained-of action taken by the District Manager was taken for sufficient cause, the Board may affirm the action; if the Board finds that the complained-of action taken was for insufficient cause, the employee shall be reinstated to the position and shall not suffer any loss in pay or status and the official personnel file shall be purged of such record. The Board, in lieu of affirming the disciplinary action, may modify it as the circumstances may warrant. The decision of the Board shall include findings of fact and shall be final and binding on all interested parties.

### Bloodborne Pathogens or Other Potentially Infectious Materials
#### Non-Discrimination and Harassment

Section Page 245

(Consider as mandatory if any employees may reasonably anticipate exposure to a bloodborne pathogen or other potentially infectious materials).

- **Background**
  Employees of the District provide services to citizens that may require employees to come into contact with bodily fluids, such as blood or other potentially infectious materials. This can occur as a regular part of the duties of emergency responders, firefighters and paramedics, law enforcement officers, corrections officers, evidence handlers, health care workers, maintenance workers, or persons giving first aid to others. There are a variety of methods by which this exposure may occur.
• Policy
Exposure to bloodborne pathogens may lead to sickness such as hepatitis, AIDS, or malaria. The District wants to assure its employees of a safe and healthy work environment. It is the policy of the District to comply with all legal and regulatory obligations for the prevention of exposures to bloodborne pathogens. To this end, the District will comply with all sections of the Oregon Administrative Rules, Chapter 437 and all other statutory requirements regarding the prevention of occupational exposures to bloodborne pathogens. The District will identify each classification and position the duties of which could lead to exposure, identify the nature of exposure, and ensure that equipment, training, and appropriate procedures are in place. These shall be grouped as class 1 (all employees could be exposed) and class 2 (some employees could be exposed).

• Infected Citizens
As a public service organization, the District cannot discriminate against citizens on the basis of disability. If uniform health precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person is minimized. The routine activities of citizens in dealings with the District pose no measurable risk of bloodborne infection to employees. Unlawful discrimination against citizens with or suspected of infection will not be tolerated.

• Exposures
In the event of exposure to body fluids under circumstances that could present a risk of infectious exposure, a report will be made to the District as soon as possible. If confirmed, the District may solicit the cooperation of the source person through voluntary testing with informed consent. In order to protect the employee, a baseline test will be made within the week following exposure, and at three-month intervals for one year. The District will insure that the employee involved receives counseling appropriate for the circumstances. All testing will be preceded by informed consent and written authorization.

• Universal Health Precautions and Work Practices
As recommended by public health authorities, the District will adhere to a program of universal precautions for protection against diseases spread by blood or bodily fluids. ("Bodily fluids" refers to fluids that may contain blood or feces, not urine, sweat, saliva, or tears.) This means that, for safety purposes, employees will operate on the assumption that all blood and bodily fluids are potential carriers of bloodborne disease, and will adhere to universal precautions protecting against AIDS and other diseases. The following general precautions will be followed:

- Eating, drinking, smoking, applying cosmetics, lip balm, or handling contact lenses are prohibited in the work areas, including field locations, where there is an anticipated exposure to bloodborne pathogens.

- The Oregon Administrative Rules mandate universal precautions at all times to prevent contact with blood or other potentially infectious materials. It is difficult or impossible to differentiate between
bodily fluid types under circumstances present in the workplace. Therefore, ALL BODILY FLUIDS SHALL BE CONSIDERED POTENTIALLY INFECTIOUS MATERIALS, including blood and tissue or organs from either a living or dead human.

- Any employee cleaning up a spill of blood or bodily fluids or rendering emergency medical assistance will wear appropriate protective gear (such as latex gloves and a mask);

- Protective gear for cleaning blood or bodily fluid spills will be provided by the District and will be located near any area determined to be a site of such a spill, in emergency response vehicles, and at first aid stations.

- An employee rendering medical assistance which may expose the employee to blood or bodily fluids will take precautions against contamination (such as wearing latex gloves while bandaging a bleeding wound, or using a disposable mouthpiece for CPR). An employee exposed to blood or bodily fluids will scrub with soap and water, remove rings, watch, and jewelry and scrub thoroughly.

- Gloves and one-way CPR masks shall be available in all first aid kits.

- Hand washing facilities shall be provided at all locations where there is anticipated exposure to bloodborne pathogens. If the anticipated exposure is to a crew, working in the field, an approved portable pressure tank may be used. There shall be a sufficient amount of soap and water to wash the greatest number of washings on a crew. Where the anticipated exposure is to an individual at a place where hand washing facilities are not available, antiseptic hand-cleaner or towelettes shall be readily accessible and shall be used. However, if antiseptic hand-cleaner or towelettes are used, the exposed areas shall be washed with soap and water as soon as possible after removal of the personal protective equipment.

- Contaminated syringes or needles shall be handled only in accordance with approved one-handed methods or with approved devices. Needles shall not be bent, recapped, or removed unless authorized and the employee is specifically trained to do so.

- If potentially contaminated syringes or needles are discovered, the devices shall be placed in approved containers. After securing in an approved container, the item shall be delivered to the District or to a medical services provider for disposition.

- Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing and shall be decontaminated as necessary. Emergency service equipment may be used while contaminated to complete the assignment. However, upon completion of the immediate assignment, vehicles
and equipment shall be removed from service and the contaminated area decontaminated prior to the next use. The contaminated area shall be identified with an approved BIOHAZARD label, and all affected employees, including maintenance personnel shall be informed of the hazard, until decontaminated.

Any additional precautions applicable to specific job functions, as well as any further general precautions, will be conveyed through employee training sessions, educational material, or more specific departmental policy.

- **Personal Protective Equipment.** When an employee has an anticipated exposure to a bloodborne pathogen, and the exposure cannot be controlled through redesign of work facilities, mechanical devices or barriers which isolate people from potentially infectious materials, or work practice controls, then personal protective equipment shall be provided.

  - The equipment shall be provided at no cost to the employee and shall be decontaminated and/or replaced as necessary.
  
  - Employees shall wear appropriate personal protective equipment whenever there is a potential for an exposure. Personal protective equipment is appropriate if it does not permit blood or other potentially infectious materials to pass through and come in contact with the employee's street clothes, undergarments or, skin.
  
  - Personal protective equipment selected shall be appropriate for the anticipated exposure. Some examples of personal protective equipment are latex (surgical) gloves, surgical masks, disposable mouth-piece for CPR, face-shields, disposable coveralls, and disposable boots.

  - If the personal protective equipment is penetrated by blood or other potentially infectious materials, the personal protective equipment shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed before leaving the work area, and placed into an appropriate designated area or container for storage, washing, decontamination, and/or disposal.

  - If gloves are used for protection, the following precautions shall be taken:
    
    - Disposable gloves shall be replaced as soon as practical when contaminated.
    
    - Disposable gloves shall not be washed or decontaminated for reuse.
    
    - Reusable gloves may be decontaminated for reuse if the integrity of the glove is not compromised. Reusable gloves shall be thrown away if the glove is contaminated and cracked, torn, punctured, or when their ability to function as a barrier is compromised.
    
    - Masks and eye and face protection shall be worn when there is an anticipated exposure to splashed, spraying, spatter of blood or other
potentially infectious materials.

- Other body protection, such as disposable coveralls, over-boots and aprons shall be worn when there is an anticipated exposure to blood or other potentially infectious materials.

- Housekeeping
  Worksites shall be maintained in a clean and sanitary condition. When warranted due to risks of contamination, a supervisor shall determine and implement an approved written schedule for cleaning and method for decontamination. If the anticipated exposure is in the field, a supervisor shall determine if and where decontamination exists and whether it is necessary to implement the appropriate actions.

  - All equipment and environment, including work surfaces shall be cleaned and decontaminated after known or suspected contact with blood or other potentially infectious materials.

  - All protective coverings, such as plastic wrap used to cover equipment, shall be removed as soon as feasible.

  - All bins, cans, pails, or similar devices which are anticipated to become contaminated shall be visually inspected and cleaned on a regular schedule. If there is visible contamination, they shall be cleaned immediately.

  - All refuse anticipated to be contaminated with blood or other potentially infectious materials shall be handled with a mechanical device.

- Waste Management
  Whenever it is necessary to prevent the spread of a known or potential infectious disease, a waste management program will be implemented. The program will be implemented as soon as the potential exposure is discovered. The District will use red plastic bags, identified with the BIOHAZARD label for contamination containers. Unless the contaminated materials are evidence to be retained for use in a criminal proceeding, the containers shall be transported to the appropriate disposal site.

  - When personal protective equipment is removed it shall be placed in an appropriate biological hazard container. The container shall be:
    - Closable.
    - Constructed to contain all contents and prevent leakage of fluids.
    - Labeled biohazard and colored red.
    - Closed prior to removal.

  - Disposal of all infectious waste shall be done in accordance with all federal, state and local requirements.

- Decontamination and Laundry
  Decontamination of employees, equipment, materials, and the environment shall be done immediately or as soon as practical, upon discovery of the contamination. Decontamination means the washing of the body, equipment, materials, and the
environment so as not to have any contamination with blood or other potentially infectious materials.

- The minimally acceptable level of decontamination is washing with soap and water. Depending on the type of contamination, more aggressive measures may need to be taken such as use of commercially prepared agents or a 1:9 solution of household chlorine bleach and water.

- If an employee's clothes become contaminated, the employee shall immediately, or as soon as feasible, remove all contaminated clothing and wash with soap and water. If contamination of an employee's clothes results in exposure of the employee's non-intact skin or mucus membranes to blood or potentially infectious materials, the employee should be transported to the nearest hospital or the nearest appropriate facility for evaluation. If the employee is required to enter a vehicle while contaminated, both the employee and vehicle shall be decontaminated prior to being put back into service.

- All clothing and equipment considered for decontamination shall be placed in a container which is clearly marked and identified with the appropriate BIOHAZARD label, and transported to an approved commercial laundry with employees trained in universal precautions. Washing in 160 degree F water for at least 25 minutes with chlorine bleach is effective.

- Only authorized personnel shall be qualified to transport contaminated containers.

- Hepatitis B Vaccination Information.
  - All employees who have a reasonably anticipated occupational exposure to Hepatitis B and have received training in accordance with OAR 437.1910.1030(g) shall be offered the opportunity to receive the Hepatitis B vaccination series, and any boosters as recommended by law. Receiving the Hepatitis B series is not mandatory, nor is it a bona fide occupational qualification.

  - The Hepatitis B vaccination series shall be offered to all employees within 10 days of initial assignment, unless the employee has previously received the complete hepatitis B series. Antibody testing may be performed to determine that the employee is immune to Hepatitis B, or that the vaccine is contraindicated for medical reasons. Such additional testing shall be the decision of the District Manager.

  - An employee may decline to receive the Hepatitis B series initially, and later change his/her mind and receive the series at any time the employee performs duties where there is a reasonably anticipated occupational exposure to Hepatitis B.

  - If any employee declines to receive the Hepatitis B vaccination series, the employee shall sign a statement indicating the declination, which states:

    "I understand that due to my occupational exposure to blood or
other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me."

- Post-Exposure Evaluation and Follow-up.
  - Upon notification of an exposure to blood or other potentially infectious materials, the employee will be given the opportunity to have a confidential medical evaluation and follow-up at a local hospital at no cost to the employee.
  
  - The immediate supervisor of the employee exposed to blood or other potentially infectious materials shall perform an investigation of the exposure immediately after the exposure. A copy of the evaluation shall be provided to the employee and the person performing the medical evaluation. The Post-Exposure Evaluation shall contain the following information:
    - Employee biographical information;
    - Circumstances under which the exposure incident occurred;
    - The route of exposure;
    - A description of the exposed employee's duties as they relate to the exposure incident;
    - Results of the source individual's blood testing, if available;
    - If the exposure was not a person, the source of the exposure;
    - All medical records relevant to the appropriate treatment of the employee, including vaccination status.

  - The department shall obtain a copy of the health care provider's written evaluation, if any, within fifteen (15) days of the evaluation, and shall provide a copy to the exposed employee. The information shall be kept confidential and not disclosed without the employee's consent.

  - After an exposure an employee shall be given the opportunity to have their blood tested for the presence of Hepatitis B (HBV) and human immunodeficiency virus (HIV).

  - After the exposure an employee shall be given the opportunity for counseling.

  - Reasonable attempts shall be made to identify the source individual and obtain a consent test for HIV/HBV, including consent to
make the test results available to the exposed employee.

- Communication and Training
  - Communication of the potential hazards from blood or other potentially infectious materials shall be done by means of labels or signs, with the appropriate "BIOHAZARD" label, red bags, or red containers, which meet the requirements of the law.

- All employees working in classifications identified as having a reasonably anticipated potential for an occupational exposure to blood or other potentially infectious materials shall be trained prior to initial assignment, upon change in assignment and annually thereafter.

- The training program shall contain the elements required by OAR Chapter 437.

- Recordkeeping
  - Individual employee medical records shall be kept by the District. The records shall be kept confidential and only released to the employee, to anyone having the employee's express written consent, and as may be required by law. Employee medical records with regard to exposures to blood or other potentially infectious materials shall be kept for the term of employment, plus thirty (30) years.

- An official record of training shall be maintained in the employee's personnel file. Training records shall be provided, upon request, to employees, employee representatives, and as required by law. The record of training shall be maintained as a permanent part of the personnel file.

Comp Time Policy
Payroll, Scheduling and Overtime Practices Section Page 228
At the discretion of the District Manager on a consistent basis among District employees, an employee may receive compensatory time off instead of overtime at the rate of one and one-half (1½) hours for each hour worked. An employee may accrue compensatory time off for up to forty (40) hours. When an employee reaches forty (40) hours of compensatory time, the employee will be paid by the District for all time in excess at the end of each pay period, unless otherwise mutually agreed between the employee and the the District Manager.

An employee may utilize compensatory time off in conformity with the FLSA. The District will not be obligated to schedule compensatory time off, and that such request is unduly burdensome if the District does not receive at least seven days advance notice of the requested time off. The District may pay the employee the current value of the comp time balance at any time. Any unused accumulated compensatory time off shall be paid in cash at the time of termination or death.

DOT Regulation Employees
Department of Transportation Drugs and Alcohol Policy
What the District Expects from You Section Page 237
- Purpose
  The District has a responsibility to our employees and to the public to ensure safe operating and working conditions.
To satisfy these responsibilities, the District must establish a work environment where employees are free from the effects of drugs and alcohol.

In addition, the District is subject to the regulations of the United States Department of Transportation (DOT). Under those regulations, the District is required to establish certain rules and follow certain procedures regarding drugs and alcohol. Accordingly, the District has adopted this drug and alcohol policy, which applies to all employees who drive a commercial motor vehicle or otherwise perform safety-sensitive functions as defined in DOT regulations. The goal of this policy is to ensure a substance-free workplace while protecting employees' personal dignity and privacy. Employees covered by the District's DOT drug and alcohol testing policy and procedure are also covered by the District's general drug and alcohol testing policy and procedure.

If an employee has any questions about this policy, he or she should contact the [______].

- **Prohibited Conduct**
  - **Alcohol Concentration**
    No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04% or greater.
  - **Alcohol Possession**
    No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
  - **On-Duty Use of Alcohol**
    No driver shall use alcohol while performing safety-sensitive functions.
  - **Pre-Duty Use of Alcohol**
    No driver shall perform safety-sensitive functions within four hours after using alcohol.
  - **Use of Alcohol Following an Accident**
    No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
  - **Controlled Substances Use**
    No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers shall inform the District of any therapeutic drug use. Such information should be reported to [______].
  - **Controlled Substances Testing**
    No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.
  - **Refusal to Submit to a Required Alcohol or Controlled Substances Test**
    No driver shall refuse to submit to a post-accident, random, reasonable suspicion or follow-up test.
  - **Adulterated or Substituted Test**
Specimen.
No driver shall adulterate, substitute or in any other way alter a test specimen.

- **Possession**
The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on our premises or property, or during work time, or while representing us in any work-related fashion is prohibited.

- **Searches**
The District reserves the right to inspect and/or search any employee's personal property on our premises if the District reasonably believes that this policy has been violated. Refusal to submit to any such inspection or refusal to cooperate in any investigation will result in disciplinary action which could include termination.

- **Consequences for Engaging in Prohibited Conduct**
A driver who has engaged in prohibited conduct shall not be allowed to perform safety-sensitive functions, including the driving of a commercial motor vehicle.

- If a driver engages in prohibited conduct, the driver will be immediately removed from performing any safety-sensitive functions. The District shall advise the employee of resources available for the evaluation and resolution of problems associated with the misuse of alcohol and the use of controlled substances. The District shall provide the employee with the names, addresses and telephone numbers of substance abuse professionals, and counseling and treatment programs. The employee shall also be evaluated by a substance abuse professional. The substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

- Any driver who is returning to work after engaging in prohibited conduct and who has been identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed by a professional. In addition, the driver shall be subject to unannounced follow-up alcohol and controlled substances tests following the driver's return to duty. The number and frequency of such follow-up testing shall be determined by the substance abuse professional and shall consist of at least six tests in the first twelve months following the driver's return to duty. The District shall direct the driver to undergo return-to-duty testing for alcohol and/or controlled substances before the employee is allowed to return to performing safety-sensitive functions.

- In addition to the above and completely separate from its rights and responsibilities under the DOT's regulations, the District reserves its right to take disciplinary action for a
violation of this policy. This may include termination of employment. Any employee who is found to be in violation of this policy, or who refuses to submit to testing as required, or who refuses to cooperate or attempts to subvert the testing process shall be subject to disciplinary action which could include immediate termination of employment. The District also reserves the right to involve law enforcement officials for any conduct which it believes might be in violation of state or federal law.

- Required Tests
  As required by law, the District must require individuals to submit to the following types of testing. Testing for controlled substances will be limited to tests intended to detect marijuana, cocaine, opiates, amphetamines and phencyclidine.

- Pre-Employment Testing
  Prior to the first time a driver performs safety-sensitive functions for the District, the driver may be required to undergo testing for alcohol. Prior to the first time a driver performs safety-sensitive functions for the District, the driver will undergo testing for controlled substances.

  If the driver is required to undergo alcohol testing, the driver will not be allowed to perform safety-sensitive functions unless the alcohol test indicates an alcohol concentration level of less than 0.04. If the pre-employment alcohol test indicates an alcohol concentration of 0.02 or greater but less than 0.04, then the driver will not be allowed to perform safety-sensitive functions until the start of the driver’s regularly-scheduled duty period, but not less than 24 hours following administration of the test. The Medical Review Officer must report that the employee's controlled substances test has resulted in a verified negative test result before the employee is allowed to perform any safety-sensitive functions.

- Post-Accident Testing
  In the event of an accident involving a commercial motor vehicle, the District will test each driver who was performing safety-sensitive functions with respect to the vehicle if the accident:

  - involved loss of human life
  - the driver receives a citation under state or local law for a moving traffic violation arising from the accident and one or more motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle, and/or bodily injury to a person who as a result of the injury receives medical treatment away from the scene.

  The tests will occur as soon as possible following the accident. Alcohol and drug tests will be performed as soon as possible
and alcohol tests must occur within eight (8) hours of the accident and drug tests must occur within thirty-two (32) hours of the accident. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

A driver must immediately report any accident to his/her supervisor so that the District may determine whether post-accident testing is appropriate. In lieu of administering a post-accident test, the District may substitute a breath or blood test for the use of alcohol and a urine test for the use of drugs administered by federal, state or local officials having independent authority for the test, using procedures required by their jurisdictions. The District must obtain the results from the local jurisdiction or the driver. The District substituting a law enforcement-based post-accident test must take the actions appropriate to the results.

- Random Testing
  The District will perform random alcohol testing and random controlled substances testing. The dates for the tests will not be announced and will be spread throughout the calendar year. A driver who is notified of selection for random testing must proceed to the test site immediately. A driver will be tested for alcohol only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

- Reasonable Suspicion Testing
  A driver will be required to submit to an alcohol test when the District has reasonable suspicion to believe that the driver has violated the portions of this policy concerning alcohol (except for a violation involving only possession of alcohol). Reasonable suspicion exists where there are specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. A driver shall be required to undergo an alcohol test only if the observations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this policy.

  A driver will be required to submit to a controlled substances test when the District has reasonable suspicion to believe that the driver has violated portions of this policy concerning controlled substances. A reasonable suspicion exists where there are specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

- Return-to-Duty Testing
  A driver who is returning to safety-sensitive functions after engaging in conduct prohibited by this policy concerning alcohol may also be required to undergo a return-to-duty alcohol test. The driver will not be returned to duty unless the test
indicates an alcohol concentration of less than 0.02. If the driver has an alcohol concentration of 0.02 or greater, the driver will be re-evaluated for treatment by a substance abuse professional (SAP).

A driver who is returning to safety-sensitive functions after engaging in conduct prohibited by this policy concerning controlled substances will undergo a return-to-duty controlled substances test. The driver will not be returned to duty unless and until there is a verified negative result for controlled substances use.

- Follow-Up Testing
A driver who returns to work following prohibited conduct will be required to undergo unannounced follow-up testing as determined by the SAP. Follow-up alcohol testing will occur only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

- Drug Testing Procedures
The District will follow certain procedures during the collection of urine specimens. The procedures are intended to ensure that the collection site person maintains the integrity of the specimen collection and transfer process, while also ensuring the modesty and privacy of the donor. In accordance with this, the collection site person will avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

The collection site person will either (1) have successfully completed training appropriate for his or her function or (2) will be a licensed medical professional or technician who has been provided instructions for collection, in accordance with the DOT's regulations.

The collection process will be documented by utilizing a standard drug testing custody and control form, as required by the DOT's regulations. The employee being tested, the collection site person and the Medical Review Officer will complete the appropriate portions of the drug testing custody and control form. A chain-of-custody form (and the laboratory internal chain-of-custody document, where applicable) will be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose will be documented on the form each time a specimen is handled or transferred and every individual in the chain will be identified. Every effort will be made to minimize the number of persons handling specimens.

If the employee refuses to cooperate with the collection process, the collection site person will inform the employer-representative and will document the non-cooperation on the drug testing custody and control form.

Each drug test will be accomplished with the use of a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A tamper proof sealing system will be used, as well as a shipping container that can be sealed and initialed to prevent tampering.

Testing will occur at a designated
collection site. The collection site will have an enclosure within which private urination can occur, a toilet for completion of urination, a source of water for washing hands and a suitable clean surface for writing. The collection site will be secure during any drug testing. The collection site may be a public rest room; in such a case, access will be denied during the testing process to all other persons other than the employee and the collection site person.

Collection site personnel will arrange to ship the collected specimen to the drug testing laboratory. The specimens will be placed in shipping containers designed to minimize the possibility of damage during shipment (For example: specimen boxes and/or padded mailers); and those containers will be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person will sign and enter the date specimens were sealed in the shipping containers for shipment. The collection site person will ensure that the chain-of-custody documentation is attached or enclosed in each container sealed for shipment to the drug testing laboratory.

If the sample is being collected from an employee in need of medical attention, necessary medical attention will not be delayed in order to collect the specimen.

The District will take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. In accordance with this responsibility, the District will take the following minimum precautions:

- To deter the dilution of specimens at the collection site, toilet bluing agents will be placed in toilet tanks if possible, so that the reservoir of water in the toilet bowl always remains blue. Where practicable, there will be no other source of water (for example, shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

- When an individual arrives at the collection site, the collection site person will ensure that the individual is positively identified as the employee selected for testing (for example, through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person will show his or her identification to the employee.

- If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.

- The collection site person shall ask the individual to remove any unnecessary outer garments (such as a coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person will ensure that all personal belongings
such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the collection site personnel will provide the employee a receipt for any personal belongings.

- The individual will be instructed to wash and dry his or her hands prior to urination.

- After washing hands, the individual will remain in the presence of the collection site person and will not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.

- The individual may provide his or her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person will provide the individual with a specimen bottle or collection container, if applicable, for this purpose.

- The collection site person will note any unusual behavior or appearance on the urine custody and control form.

- In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (for example, circumstances require a post-accident test), a public restroom may be used according to the following procedures: A collection site person of the same gender as the individual will accompany the individual into the public restroom which shall be made secure during the collection procedure. If possible, a toilet bluing agent will be placed in the bowl and any accessible toilet tank. The collection site person will remain in the restroom, outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person will instruct the individual not to flush the toilet until the specimen is delivered to collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain-of-custody procedures.

- The collection site person will instruct the employee to provide at least 45 ml of urine under the split sample method of collection. The employee will urinate into a collection container or a specimen bottle capable of holding at least 60 ml. If a collection container is used, the collection site person, in the presence of the employee, will pour the urine into two specimen bottles. 30 ml will be poured into one bottle, to be used as the primary specimen. At least 15 ml will be poured into the other bottle, to be used as the split specimen. If a single specimen bottle is used as a collection container, the collection site person will pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).
• After the specimen has been provided and submitted to the collection site person, the individual will be allowed to wash his or her hands.

• Immediately after the specimen is collected, the collection site person will measure the temperature of the specimen. The temperature measuring device used will accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure in no case may exceed four minutes.

• A specimen temperature outside the range of 32.5° to 37.7° Celsius (90.5° to 99.8° Fahrenheit) constitutes a reason to believe that the individual has altered or substituted the specimen. In such cases, the individual supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.

• Immediately after the specimen is collected, the collection site person will inspect the specimen to determine its color and look for any signs of contaminates. Any unusual findings will be noted on the urine custody and control form.

• All specimens suspected of being adulterated will be forwarded to the laboratory for testing.

• Whenever there is reason to believe that a particular individual has altered or substituted the specimen, a second specimen will be obtained as soon as possible under the direct observation of a same gender collection site person. The following circumstances are the exclusive grounds constituting a reason to believe that the individual may have altered or substituted the specimen:

  • The employee has presented a urine specimen that falls outside the normal temperature range, as explained above, and either the employee declines to provide a measurement of oral body temperature or oral body temperature varies by more than 1° Celsius (1.8° Fahrenheit) from the temperature of the specimen.

  • The last urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.

  • The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (for example, substitute urine in plain view, blue dye in specimen presented, etc.).

• Both the individual being tested and the collection site person must keep the specimen in view at all times prior to its being sealed and labeled. The specimen must be sealed (by placement of a tamper-proof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person will request the individual to observe the transfer of the specimen and the
placement of the tamper-proof seal over the bottle cap and down the sides of the bottle.

- The collection site person and the individual being tested shall be present at the same time during the procedures outlined in the next four paragraphs.

- The collection site person will place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the employer. If separate from the label, the tamper-proof seal will also be applied.

- The individual must initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.

- The collection site person will enter on the drug testing custody and control form all information identifying the specimen. The collection site person will sign the drug testing custody and control form certifying that the collection was accomplished according to all applicable federal requirements.

- The individual will be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided. The employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer.

- The collection site person will complete the chain-of-custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and will certify proper completion of the collection.

- If the specimen is not immediately prepared for shipment, the collection site person will ensure that it is appropriately safeguarded during temporary storage.

- While any part of the above chain-of-custody procedures is being performed, the urine specimen must be under the control of the involved collection site person. If the collection site person leaves his or her work station momentarily, he or she must take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person returns to the workstation, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she will package the specimen for mailing before leaving the site. The collection site person must not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection will be nullified and (at the election of the employer) a
new collection begun.

- **Employee Explanation for Positive Result**
  The Medical Review Officer will review a confirmed positive test result by examining alternate medical explanations for the result. The Medical Review Officer will contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the positive result. If the Medical Review Officer cannot reach the employee despite making all reasonable efforts, the Medical Review officer will contact a designated management official, who will direct the employee to contact the Medical Review Officer. If despite making all reasonable efforts, the management official and/or MRO are/is unable to contact the employee within 14 days, the test will be considered positive.

If the employee expressly declines to discuss the test or fails to contact the Medical Review Officer within five days of being instructed to do so, the Medical Review Officer will confirm the positive result without the employee's input.

- **Employee Requests for Retest**
  If the test result is positive, the employee may request that the Medical Review Officer direct that the split specimen be tested in a different DHHS-certified lab. Such a request must be made within 72 hours of notification of the positive test. The employee will be removed from safety-sensitive duties pending the results of the test of the split specimen.

- **Alcohol Testing**
  The District will conduct alcohol testing by the use of an evidential breath testing device (EBT) and/or any other non-evidentiary technology that may be approved by the DOT in the future. The test will be conducted by a breath alcohol technician (BAT) who will be trained in the operation of the EBT and in the correct procedures for testing under the DOT's regulations. The District will use a breath alcohol testing form and logbook as required by the DOT's regulations. The employee being tested and the breath alcohol technician will complete the appropriate portions of the form and log book.

The District will conduct alcohol testing in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing the test results. The testing may occur in a mobile collection facility. Wherever the testing occurs, no unauthorized persons shall be permitted access to the testing location while the EBT remains unsecured or at any time when testing is being conducted. In the unusual circumstance that a test cannot be conducted at a location affording complete visual and aural privacy, the District will provide privacy to the greatest extent practicable.

When the employee enters the alcohol testing location, the breath alcohol technician will require him or her to provide positive identification (for example, through use of a photo ID card or identification by an employer representative). On request by the employee, the breath alcohol technician will provide positive identification to the employee. The breath alcohol technician will explain the testing procedure to the employee.

The breath alcohol technician will
complete Step 1 of the breath alcohol testing form. The employee will complete Step 2 of the form and will sign the certification. Refusal by the employee to sign the certification will be regarded as a refusal to take the test.

An individually sealed mouthpiece will be opened in view of the employee and the breath alcohol technician, and attached to the EBT in accordance with the manufacturer's instructions.

The breath alcohol technician will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.

If the result of the screening test is a breath alcohol concentration of less than 0.02, the breath alcohol technician will date the form and sign the certification in Step 3 of the form. The employee will sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry for a test, this will not be considered a refusal to be tested. In this event, however, the breath alcohol technician will note the employee's failure in the "remarks" section of the form. If a test result printed by the EBT does not match the displayed results, the breath alcohol technician will note the disparity in the remarks section and both the employee and the breath alcohol technician will initial or sign the notation. Such a test is invalid, and the employer and employee will be so advised. The breath alcohol technician will transmit the result of less than 0.02 to the District in a confidential manner, and the District will maintain the information so as to ensure confidentiality.

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The procedure for the confirmation test will be the same as the procedure for the screening test. A new mouthpiece will be used for the confirmation test. Before the confirmation test is administered, the breath alcohol technician will ensure that the EBT registers 0.00 on an air blank. If a breath alcohol technician other than the one who conducted the screening test is conducting the confirmation test, the new breath alcohol technician will initiate a new breath alcohol testing form, completed in the manner described above.

The confirmation test will occur not less than 15 minutes after the completion of the screening test, but it must be conducted within 30 minutes of the completion of the screening test. If the BAT conducts the confirmation test more than 30 minutes after the result of the screening test has been obtained, the BAT shall document the reason why the test could not be conducted within 30 minutes of the screening test. During the waiting period, the breath alcohol technician will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period. The breath alcohol technician will explain to the employee the reason for this requirement (i.e. to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The breath alcohol technician will also explain that the confirmation test will be conducted at the end of the waiting period, even if
the employee has disregarded the instruction. If the employee has not complied with the instruction, the breath alcohol technician will so note in the remarks section.

In the event that the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action shall be based.

After the confirmation test, the breath alcohol technician will conduct an air blank. If the reading is greater than 0.00, the test is invalid.

The breath alcohol technician will transmit all results to the District in a confidential manner. The transmission may be in writing, in person or by telephone or electronic means. If the transmission is not in writing, the District will establish a mechanism to verify the identity of the breath alcohol technician providing the information. In addition, the breath alcohol technician will follow the initial transmission of information by providing to the District its copy of the breath alcohol testing form. The District will maintain the information so as to ensure confidentiality.

Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, will be noted by the breath alcohol technician in the remarks section of the form. In addition, the testing process will be terminated and the breath alcohol technician will immediately notify the District.

If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the breath alcohol technician will, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form with a new sequential test number.

In the event that an employee is unable, or claims to be unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the breath alcohol technician will again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the breath alcohol technician will immediately inform the District. If the employee attempts and fails to provide an adequate amount of breath, the breath alcohol technician will so note in the remarks section of the breath alcohol testing form and immediately inform the District.

If the employee attempts and fails to provide an adequate amount of breath, the District will direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the District concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath will not be deemed a refusal to take a test. The physician must provide to the District a written statement of the basis for his or her conclusion. If the licensed physic-
cian, however, is unable to make such a determination, the employee's failure to provide an adequate amount of breath will be regarded as a refusal to take a test.

- **Employee Information**
  Employees will be provided information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcoholic or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

Any employee who has any questions regarding these issues should talk to the District Manager.

- **Training for Supervisors**
  All supervisors charged with the responsibility to determine whether reasonable suspicion exists to require a driver to undergo testing will receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

- **Certificate of Receipt**
  Each driver will be required to sign a statement certifying that he or she has received (1) a copy of this policy and (2) information concerning the effects of alcohol and controlled substances.

- **Access to Records**
  A driver may make a written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. Upon request, the District will promptly provide such records.

The District will notify a driver of the results of a pre-employment controlled substances test if the driver requests such results within sixty calendar days of being notified of the disposition of the employment application. The District will notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances if the test results are verified positive. The District will also inform the driver which controlled substance or substances were verified as positive.

- **Definitions**
  - “Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
  - “Alcohol concentration (or content)” means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
  - “Alcohol use” means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
  - “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle: (a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed
unit with a gross vehicle weight rating of more than 10,000 pounds; or (b) has a gross vehicle weight rating of 26,001 or more pounds; or (c) is designed to transport 16 or more passengers, including the driver; or (d) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

- “Confirmation test for alcohol testing” means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration. Confirmation tests for controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

- “Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the District or who operate a commercial motor vehicle at the direction of or with the consent of the District. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to the District to drive a commercial motor vehicle.

- "Performing a safety-sensitive function" means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

- "Refuse to submit to an alcohol or controlled substances test" means that a driver: (a) fails to appear for any test within a reasonable period of time after being directed to do so by the employer; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen for a required drug test; (d) fails to permit observation or monitoring of the provision of a specimen in the case of a directly observed or monitored collection; (e) fails to provide a sufficient amount of urine when directed when there is no adequate medical explanation for the failure; (f) fails or declines to take a second test when directed by the employer or the collector; (g) fails to undergo a medical examination or evaluation when directed by the MRO as part of the verification process; (h) fails to cooperate with any part of the testing process; and (i) is reported by the MRO as having a verified adulterated or substituted test result.

- “Safety-sensitive function” means any of the following on-duty functions: (a) all time at the District's terminal, facility, or other property, or any public property, waiting to be dispatched, unless the driver has been relieved from duty by the District; (b) all time inspecting
equipment as required by law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (c) all time spent at the driving controls of a commercial motor vehicle in operation; (d) all time other than driving time in or upon any commercial motor vehicle, except time spent resting in a sleeper berth; (e) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; (f) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

- "Screening test (or initial test)" in alcohol testing means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Education and Training Policy**

**Appointments, Qualifications, and Separation Section Page 222**

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

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

**Email/Internet**

**What the District Expects from You**

**Section Page 237**

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

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

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

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

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

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

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

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

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

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

**Employee Assistance Program**

**Performance Evaluations Section Page 248**

- **Purpose**
  The objective of the Employee Assistance Program ("EAP") is to assist and retain valued employees and reduce the potential for difficulties in the workforce stemming from employees' needs and difficulties which otherwise may not be addressed. Problems of a
personal nature can have an adverse effect on an employee's job performance. Most personal problems can be dealt with successfully when acknowledged and referred to an appropriate counselor or resource person. The purpose of the Employee Assistance Program is to provide services through appropriate arrangements with outside resources. The program is intended to afford help in the broad range of human problems such as emotional/behavioral, family and marital, alcohol and/or drugs, financial, legal and other personal problems. The program provides problem assessment, short term counseling and referral services. Costs for these services are covered by the employer. If costs are incurred for additional services not covered by insurance or other benefits, those costs will be the responsibility of [the employee].

- Policy
  The policy applies to all employees of the District, who receive full benefits, regardless of job title or responsibilities.

  - The program is available to employees or their families on a self-referral basis. Employees or family members who have personal problems and may benefit from assistance are encouraged to use the program.

  - Participation in the program will not jeopardize an employee's job security, promotional opportunities or reputation.

  - All records and discussions of personal problems will be handled in a confidential manner as other medical records. These records will be kept by the designated counseling resource and will not become a part of the employee's personnel file. The District will not be informed of matters discussed unless the employee requests.

  - If a supervisor has reason to believe that an employee has a personal problem (e.g., substance abuse, financial worries, or a psychological problem) that affects the employee’s ability to perform the job, the supervisor should remind the employee that the EAP counsel is available to help.

  - Personal problems are not a justification for lower performance requirements. A reasonable toleration period may be established as part of a work plan of accommodation after an employee has sought help through the program upon recommendation of counselor.

  - Sick leave may be granted for treatment or rehabilitation on the same basis as is granted for ill health. Consideration may be given for the use of leave without pay.

  - This policy does not alter or replace other policies or terms of labor agreements.

**Employer Provided Cell Phones**

**What the District Expects from You**

**Section Page 23**

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

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

• Personal Use of District-Provided Cellular Phones

Where job or business needs require immediate access to an employee, the District may issue a business cellular phone to an employee for work-related communications. Such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred. Personal long distance calling from the District provided phones is not permitted. If an employee experiences a personal emergency that results in the need to use the District's cellular phone for a local call, he or she is required to report this use to District within 48 hours. The employee will be asked to sign a form specifying the number called and the reason for the call as well as a specific promise to reimburse the District in a timely manner when the bill is received. Failure to report such use or reimburse the District may result in disciplinary action.

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

• Safety Issues for Cellular Phone Use

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use (or have a personal cell phone used during the workday for personal matters) are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road.

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

Violations of this policy will be subject to the highest forms of disciplinary action, up to and including termination of employment.

Extended Leave Without Pay
Time Off Section Page 231
- General
  Employees who have been continuously employed with the District for at least one (1) year may request a personal leave of absence without pay for a reasonable period of time up to sixty (60) days. Requests for leaves of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the request, whether other individuals are already out on leave, and the expected impact of the leave on the employer.

- Requests
  Requests must be submitted in writing and must be approved in writing by the employee's department head before the leave begins. Requests for extensions of leaves must be submitted in writing and approved in writing by the department head before the extended period of a leave begins. It is the employee's responsibility to report to work at the end of the approved leave. An employee who fails to report to work on the day after the leave expires will be considered to have voluntarily resigned.

Fair Treatment Policy
Problem Solving Process Section Page 248
(Alternate for Districts to Consider instead Problem Solving Process)
- General Policy
  It is the policy of the District to provide for an orderly process whereby employees may have their problems and complaints considered as fairly and rapidly as possible without fear of retaliation. Every effort shall be made to find an acceptable solution by informal means at the lowest possible level of supervision.

- Definition of Non-Disciplinary Appeal
  If an employee or group of employees in the District believes an injustice has occurred because of:
  - Lack of a District policy or a department policy;
  - A policy that is unfair;
  - Misapplication of a policy;
  - Disagreement with another employee or supervisor; A discretionary action of the District or a department in the application of the rules and regulations of the District; or
  - Discrimination on the basis of race,
color, religion, sex, national origin, marital status, age, expunged juvenile record, association with anyone of a particular race color, sexual orientation, national origin, marital status, age or religion, family relationship, mental or physical disability, or application for Workers' Compensation benefits, or any other statutes protected by applicable law.

- Non-Disciplinary Appeal Procedure

Employee/Employer relations are a matter of personal management choice. Some managers may prefer direct, open, free-flowing discussion with their employees, others may prefer more formal management leaving the details of the day-to-day operation to their subordinate supervisors. It is recommended that every department manager establish a written procedure, which best reflects his/her personal choice in handling non-disciplinary appeals. Regardless of which of the following policies is chosen, all non-disciplinary appeals should be handled in an informal setting to gain better understanding of the problem and a prompt, fair resolution within the department.

Non-disciplinary appeals should not be presented to the department head or supervisor in writing, unless the issue is such that it cannot be understood except in writing.

- Policy No. 1

Open Door Policy - An employee wishing to discuss any issue or problem of a non-disciplinary nature may meet with the department head at any reasonable time. This is the established non-disciplinary policy. Access to supervisors may be delayed by District operational requirements.

- Policy No. 2

Chain of Command Policy - Employees wishing to discuss a specific non-disciplinary matter shall start with the immediate supervisor and follow the chain of supervisory command. In the event the employee cannot start with the immediate supervisor, s/he shall be entitled to commence the process at whatever level of supervisory command is available.

- Hearing of Appeal

When an appeal of a non-disciplinary issue cannot be resolved with the department procedure, the appeal shall be directed to the [_____] to cause investigation of the matter, if needed, and make a final decision.

Family Medical Leave Policy For Districts with at Least 25 Employees

Time Off Section Page 231

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

- Eligibility

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

Under the Oregon Family Leave Act ("OFLA"), employees must have been employed by the company for at least 180 days and worked an average of 25 hours per week in the previous 180 days to qualify for state family leave, who work for a District with at least 25 employees in Oregon (during 20 or more work weeks in the current or preceding calendar year). Employees taking leave to care for a newborn, adopted, or newly-placed foster child only have to meet the 180 day employment requirement (regardless of the number of hours worked).

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

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

- 12 weeks leave for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- 12 weeks of sick child leave for those employees who take 12 weeks of family leave as parental leave, provided the child does not have a serious health condition.

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

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

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

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

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

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

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

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

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

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

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

Please contact the District Manager for applications and/or specific details.
HIV Concerns  
Non-Discrimination and Harassment  
Section Page 245

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

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

• Prevent unlawful discrimination;

• Educate employees about the ways HIV is, and is not, spread;

• Designate a person to whom concerned employees can go for information;

• Insure the confidentiality of information about any employee who contracts the virus;

• Address employment concerns of infected employees;

• Assure that the public is accommodated and that risks to health are minimized;

• Protect the health and safety of all employees through a program of universal precaution; and

• Avoid disruption or interference with District business that could result from unfounded health concerns.

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

• Non-Discrimination in Hiring. The District will not unlawfully discriminate against persons with AIDS, ARC, or HIV on the basis of their handicap. The following practices are to be followed:

• Job applicants are not to be asked whether they have AIDS or are infected with HIV. They may be asked if they are able to perform all functions of the job, both essential and marginal, with or without reasonable accommodation. Only after extension of an offer of employment (which may be made conditional on ability to perform essential job functions) may the applicant's condition be discussed or the need for any reasonable accommodation be discussed.

• Job applicants who voluntarily disclose that they have AIDS or are HIV infected shall be asked if they can perform all job functions, but may not be asked about their disability or need for accommodation before extending an offer of employment. The reasonableness
of any requested accommodation shall be determined by management.

- Any applicant known by the District to be handicapped or disabled but capable of performing the duties of the job sought, with or without reasonable accommodation, shall be given the same consideration as other equally qualified applicants.

- Employee Education. Employees who are educated about the actual medical risks posed by AIDS and HIV will be safer and more comfortable at work. The District will strive to provide the following sources of education about the transmission of HIV:
  - Informational materials designed to answer specific questions;
  - Videotaped and/or live presentations; and
  - Confidential access to a designated contact person trained to answer questions or obtain additional information.

- Employees are strongly urged to take advantage of these resources.

- The Designated Contact Person
  The District will have a designated contact person, who will be trained to address AIDS concerns. At present this person is the District Manager.

- Confidentiality
  The District recognizes that an employee's health concerns are confidential. Employees who have been infected with or exposed to HIV may contact the designated contact person confidentially. Medical information will be kept confidential in separate medical files apart from personnel files, consistent with legal, medical and management practices.

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

- Employment Concerns of Infected Employees. Employees who are infected with HIV or afflicted with ARC or AIDS may contact the designated contact person for confidential information about the potential impact of their condition on their employment. The District will make reasonable accommodations for employees infected with HIV or afflicted with ARC or AIDS, unless it would be an undue hardship to do so or would result in a direct health or safety threat to the individual or other persons. The reasonableness of any proposed accommodation will be determined by management and shall take into consideration the health and safety of all employees. Supervisors are to consult the designated contact person and obtain District authorization before making any employment decision on the basis of an employee's actual or perceived infection with HIV. Unlawful discrimination against such employees on the basis of their disability will not be tolerated. Upon request, the designated contact person will assist concerned employees in obtaining information about community resources and psychological counseling available to persons with AIDS or HIV and their families.
Infected Citizens
As a public service organization, the District may not discriminate against citizens on the basis of disability. If uniform body fluid precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person is minimized. The routine activities of citizens in dealings with the District pose no measurable risk of HIV infection to employees. Unlawful discrimination against citizens with or suspected of HIV or AIDS will not be tolerated.

Business Disruptions Due to Unfounded Health Concerns
If an employee refuses to work with an HIV infected co-worker or serve an infected citizen, and a supervisor decides that the co-worker or citizen poses or posed no threat to the health and safety of others, continued refusal or a failure to work or other disruption of District services may result in discipline including discharge. Harassment of known or suspected HIV carriers is expressly prohibited and may result in discipline, including discharge.

Oversight
Supervisors are charged with insuring that this policy is adhered to. Complaints concerning any employee's failure to comply with this policy should be brought to the attention of a supervisor, and may be raised by following procedures relating to harassment or to complaints.

Leave Transfers
Time Off Section Page 231
Transfer of Sick [or Vacation] Leave. Employees who have exhausted their sick and vacation leave benefits may receive a gift of sick [or vacation] leave from other District employees if they require extended time off for illness or injury. In such event the District's only involvement shall be to transfer an employee's sick [or vacation] leave credit in accordance with the employee's request and add it to the sick [or vacation] leave balance of another employee. Employees may donate up to 10% of their accrued sick [or vacation] leave balance. Only employees who have accumulated more than 240 hours may make a contribution, and no employee may contribute more than 40 hours per year to other employees.

A leave of absence with pay for up to three (3) days may be granted an employee when a death in the employee's immediate family requires the absence of an employee. Should circumstances require an employee to be absent longer than the three (3) days, the days in excess may be charged against accumulated sick leave. Immediate family means the immediate family of the employee or of the spouse, and is intended to include parents, children, grandparents, step-children, siblings, and members of the employee's household.

In addition to regular sick leave, an employee shall be granted up to three (3) days per year leave of absence with full pay in the event of death in the immediate family. If additional time is needed it may, with approval of the District Manager be credited against accrued sick leave.

PERS
Payroll, Scheduling, and Overtime Practices: Medical and Life Insurance
Section Page 228
The District participates in the Public Employee Retirement System for employees working over 600 hours per year. Information about contributions and
retirement or disability benefits may be obtained from the District or from PERS.

Rest Breaks for Breast Feeding For Districts with at Least 25 Employees Payroll, Scheduling and Overtime Practices Section Page 228
Employees may take a reasonable rest break at least 30 minutes per every four hours of work or major fraction thereof. Whenever possible, breaks should overlap with other legally required meal and rest breaks. Reasonable efforts will be made to provide a private place for employees to express milk.

Return to Work Light Duty Assignments
Safety and Accidents Section Page 234
Disabled employees who are temporarily assigned light duty work as a reasonable accommodation but are unable to perform the essential duties of their regular job may be required to provide a medical evaluation after (select 30, 60 or 90) days from their treating physician so that the [___] may determine whether the employee is capable at that time of performing the essential functions of their regular job, with or without reasonable accommodation. The District offers light duty accommodations only for those employees whom the [_____] may anticipate will recover the ability to perform all the essential functions of the job with or without a reasonable accommodation and within a reasonable time. If recovery becomes doubtful, the [_____] may discontinue the light duty assignment. No light duty assignment is intended to become permanent.

Employees who refuse bona fide light duty offers while on workers’ compensation leaves are automatically placed on OFLA leave if they are otherwise eligible for OFLA.

Written Departmental Rules and Standard Operating Procedures Overview and Purpose of Personnel Policies: Personnel Administration Generally Section Page 221
Each department may establish such additional written rules and standard operating procedures as may be deemed necessary for the efficient and orderly administration of the department. Such rules and procedures are subject to approval by the District Manager before becoming effective and must be consistent with the general policies, procedures, rules, or regulations established by the District. Copies of the applicable departmental rules and operating procedures shall be made available to all employees in the department and shall be filed with the Board and maintained in the District office.

Union Labor Agreements Purpose of Personnel Policies Section Page 221
In the event of a conflict in language, interpretation or application of a collective bargaining agreement, where specific collective bargaining agreement language 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.

Unpaid Leave to Perform Volunteer Firefighter Duties Time Off Section Page 231
Employees of the District whose job duties do not involve firefighting or require firefighter skills and training may volunteer to serve as volunteer firefighters.
and respond to general alarms and other firefighter service emergencies in response to the alarm. Response time within the employee's regular shift will be considered hours worked at the employee's regular rate of pay. The employee will receive no points or other compensation for responding to an alarm during the ordinary hours of work.

Seniority Vacation Scheduling
Time Off Section Page 231
Vacations for the year will be scheduled in the month of January, based upon seniority. Thereafter, vacations will be approved on a first-to-apply basis.

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

CERTIFICATE AND ACKNOWLEDGEMENT FORM

I certify that I have received a copy of the Personnel Policies and Procedures of the District. I understand that it is my responsibility to read and ask questions if necessary regarding personnel policies. I understand this manual is not a contract of employment. I accept responsibility for understanding and complying with the District's policies. I understand that my employment can be terminated with or without cause, at any time, at the option of either the District or myself. I understand that no one except the District Manager and Board, has the authority to enter into any agreement in writing, contrary to the personnel policies and procedures of the District. I further acknowledge that the personnel policies and procedures may be changed at any time in the sole discretion of the District.

___________________________
Signature

___________________________
Date

___________________________
Print Signature
SAMPLE EMPLOYMENT APPLICATION

All pages of this application must be completed. Do not merely reference an attached resume. If you need assistance completing this application, please notify us.

Date_____________________

Name

Last                                                First

Middle

Present Address

Number                      Street                                City                    State

Zip

How Long _______     Social Security Number _______ - _______ - _______
Telephone ____________________     If under 18, please list age _______

Position applied for (1) ____________________              No Pref _____  Thur _____

and salary desired   (2) ____________________               Mon ______  Fri ____
(Be specific)                                                Tue ______  Sat _____
                     Wed ______  Sun _____

How many hours can you work weekly? _______________  Can you work nights? ______

Employment desired   ___ Full-Time Only  ___Part-Time Only  ___Full or Part Time

How soon are you available for work? _________________

Have you ever applied for employment with this District before? ____No   ____Yes  If
yes, date of application? _________________________

THIS APPLICATION IS CONSIDERED CURRENT FOR _____ DAYS ONLY, AND
FOR THE POSITIONS LISTED BY YOU ABOVE.
(Before requesting this educational information, consider whether it is truly job related.)

<table>
<thead>
<tr>
<th>TYPE OF SCHOOL</th>
<th>NAME OF SCHOOL</th>
<th>LOCATION (Complete mailing address)</th>
<th>NUMBER OF YEARS COMPLETED</th>
<th>MAJOR &amp; DEGREE</th>
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<td>High School</td>
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<td>College</td>
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<td>Bus. or Trade School</td>
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<tr>
<td>Professional School</td>
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Have you ever been convicted of a crime?  _____No  _____ Yes

If yes, explain each conviction(s), nature of offense(s) leading to conviction(s), how recently such offense(s) was/were committed, sentence(s) imposed, and type(s) of rehabilitation.

___________________________________________________________________________
___________________________________________________________________________

This information will not necessarily disqualify you from employment. [Only ask if these are essential functions of the job applied for. Better to use a separate form for this information when relevant.]

Do you have a driver’s license?  _____ Yes  _____ No

Driver’s license number __________________________ State of issue __________

_____ Operator  _____ Commercial (CDL)  _____ Chauffer

Expiration date __________________________

Have you had any accidents during the past three years?  _____  How many?  _____

Have you had any moving violations during the past three years?  _____  How many?  _____

OFFICE ONLY

Typing  _____ Yes  _____ No  _____ WPM  10 Key  _____ Yes  _____ No

Personal Computer  _____ Yes  _____ No  _____ PC  _____ Mac

Software programs:

___________________________________________________________________________

Other skills:_____________________________________________________________________

70
Please list two references other than relatives or previous employers.

Name ___________________________ Name ___________________________

Position __________________________ Position __________________________

Company __________________________ Company __________________________

Address __________________________ Address __________________________

Telephone __________________________ Telephone __________________________

An application form sometimes makes it difficult for an individual to adequately summarize a complete background. Use space below to summarize any additional information necessary to describe your full qualifications for the specific position for which you are applying.

MILITARY

Have you ever been in the armed forces?     _____ Yes     _____ No

Are you now a member of the National Guard?     _____ Yes     _____ No

Specialty __________ Date Entered __________ Discharge Date __________

Please list your work experience for the past five years beginning with your most recent job held. If you were self-employed, give firm name. Attach additional sheets if necessary. [For some positions, it may be important to know more than five years of employment history.]
<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Name of Last Supervisor</th>
<th>Employment Dates</th>
<th>Pay or Salary</th>
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</table>

Your last job title

Reason for leaving (be specific)

List the jobs you held, duties performed, skills used or learned, advancements or promotions while you worked at this company.

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Your last job title

Reason for leaving (be specific)
List the jobs you held, duties performed, skills used or learned, advancements or promotions while you worked at this company.

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Name of Last Supervisor</th>
<th>Employment Dates</th>
<th>Pay or Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
<td>From To</td>
<td>Start Finish</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Your last job title

Reason for leaving (be specific)

List the jobs you held, duties performed, skills used or learned, advancements or promotions while you worked at this company.

Has your employment ever been involuntarily terminated? _____ Yes _____ No
If yes, explain.__________________________________________________________

May we contact your present employer? _____ Yes _____ No
Did you complete this application yourself? _____ Yes _____ No
If not, who did?

___________________________________________________________________
PLEASE READ CAREFULLY

In exchange for the consideration of my job application by the District, I agree that:

If I become employed by the District, my employment will be “at-will.” This means that either myself or the District may terminate my employment with or without cause and with or without notice. Any employment I may be offered will be at-will regardless of the contents of employee handbooks, personnel manuals, benefit plans, policy statements, or other District practices. The at-will nature of any employment I may be offered cannot be altered except by a written instrument signed by the Board of the District. If employed, I understand that the District may unilaterally change or revise their benefits, policies and procedures and such changes may include reduction in benefits.

I authorize investigation of all statements contained in this application. I understand that the misrepresentation or omission of facts called for is cause for rejection of my application or dismissal from employment at any time without any previous notice. I hereby give the District permission to review public records regarding my personal and professional background, and to contact schools, previous employers, references, and others, and hereby release the District from any liability as a result of such contacts. I agree immediately to notify the District if I should be convicted of a crime while my job application is pending, or during my period of employment, if hired.

I further understand that, if selected as a finalist, I may be required to take and pass a drug and alcohol test prior to appointment to this position.

Signature ____________________________
Date ____________________

Merlin/North Valley Sanitary District is an equal employment opportunity employer. We adhere to a policy of making employment decisions without regard to race, color, religion, sex, sexual orientation, national origin, citizenship, age, disability, or any other status protected by law.

Thank you for completing this application form and for your interest in our organization.
The District, when considering your application for employment, making a decision whether to offer you employment, deciding whether to continue your employment (if you are hired), and when making other employment-related decisions directly affecting you, may wish to obtain and use a “consumer report” from a “consumer reporting agency.” These items are defined in the Fair Credit Reporting Act (“FCRA”), which applies to you. As either an applicant for employment or an employee of the District, you are a “consumer” with rights under the FCRA.

A “consumer reporting agency” is a person or business that, for monetary fees, dues, or on a cooperative non-profit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing “consumer reports” to others, such as the District.

A “consumer report” is any written, oral, or other communication of any information by a “consumer reporting agency” bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, which is used or collected for the purpose of serving as a factor in establishing the consumer’s eligibility for employment.

If the District obtains a consumer report about you, and if the District considers any information in the consumer report when making an employment-related decision that directly and adversely affects you, you will be provided with a copy of the consumer report before the decision is finalized. You may also contact the Federal Trade Commission about your rights under the FCRA as a consumer with regard to consumer reports and consumer reporting agencies.

I ACKNOWLEDGE THAT I HAVE RECEIVED AND READ THIS “FAIR CREDIT REPORTING ACT DISCLOSURE.”

Signature ________________________________
Date __________________________

AUTHORIZATION TO OBTAIN CONSUMER REPORT

By signing below, I, _____________________________________________, hereby voluntarily authorize the District to obtain “consumer reports” about me from a “consumer reporting agency” and to consider the reports when making decisions regarding my application for employment or my employment at the District. Prior to signing this Authorization I received and read a document entitled “Fair Credit Reporting Act Disclosure” which defined the terms “consumer,” “consumer report” and “consumer reporting agency.”

Signature______________________________
Date __________________________
SAMPLE INTERVIEW APPRAISAL FORM

When conducting interviews a simple form should be used to keep the interview team from asking inappropriate questions and for documentation. A form can also help the interview team focus on the skills and abilities that are the most important.

Applicant’s Name

University (ies) Degree(s)

<table>
<thead>
<tr>
<th></th>
<th>Excellent</th>
<th>Very Good</th>
<th>Good</th>
<th>Fair</th>
<th>Slight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appearance</td>
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<tr>
<td>Maturity/Comportment</td>
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<tr>
<td>Oral Communication Skills</td>
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<tr>
<td>Interpersonal Skills</td>
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<tr>
<td>Motivation</td>
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<tr>
<td>Energy Level</td>
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<tr>
<td>Flexibility/Tolerance</td>
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<tr>
<td>Leadership Ability/Potential</td>
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<tr>
<td>Knowledge of Industry</td>
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<tr>
<td>Total</td>
<td></td>
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</tr>
</tbody>
</table>

Comments:

[ ] Recommend For Hire  [ ] Do Not Recommend  [ ] Hold for Further Consideration

Interviewer: Date: Location:
SAMPLE PRE-EMPLOYMENT INQUIRY GUIDELINES

Civil Rights law does not prohibit any specific questions from being asked of an applicant, but it does forbid the discriminatory use of information when making hiring decisions. Questions asked on the application form or in the interview could lead an applicant to believe he or she was denied a job illegally. The burden would be on the employer to show why the information requested was needed, and how it was used in the hiring decision.

To lessen the likelihood that discrimination might occur in hiring, it is important for employers to remove inappropriate inquiries from application forms and to refrain from using them as interview questions. Inappropriate inquiries are those that elicit information about someone’s protected class status.

Asking the right questions and avoiding the wrong ones on an employment application is crucial to a district’s ability to prevent legal challenges and conduct proper background checks. Use the following model application to update your own application materials to ensure that you are not asking any illegal questions.

Note: This is a general compendium of permissible inquiries based on federal, state, and local anti-discrimination statutes. It should not be interpreted as representing the law of any one state or municipality.

Age
Permissible
- “Can you show proof of age upon hire?”
- “Are you over 18 years of age? If you are under 18 years of age, can you produce a work permit upon hire?

Suspect
- Dates of attendance at elementary or high school.
- Questions which tend to identify applicants as 40 years of age or over.

Applicant Referral
Permissible
- “How were you referred to this position? For example, current employee, newspaper advertisement.”

Suspect
- Questions inquiring as to the name of the person who referred the applicant.

 Arrest or Criminal Record
Permissible
- Questions regarding prior convictions where accompanied by a statement that such convictions will not absolutely prohibit employment, but will only be considered in relation to specific job requirements.
Suspect
- “Have you ever been arrested?”

Birthplace or Citizenship
Permissible
- “Are you legally authorized to work in the United States?”
- Statement that proof of the applicant’s legal right to work in the U.S. will be required after being hired.

Suspect
- “Are you a U.S. citizen?”
- Birthplace of applicant (or applicant’s parents or family).

Education
Permissible
- Questions regarding extent of education, degree(s) received, names of schools attended, but only where such requirements are demonstrably related to the job.

Suspect
- Questions regarding dates of attendance at elementary or high school.
- Questions regarding ethnic, social, or religious affiliation of schools attended, sororities, fraternities, etc.

Fidelity Bonding
Permissible
- Statement that fidelity bond is a requirement of employment.

Suspect
- “Have you ever been denied a fidelity bond or has one been canceled?”

Height or Weight
Permissible
- Questions may be asked about an applicant’s height or weight but only if height or weight is a bona fide occupational qualification (demonstrably related to job performance).

Suspect
- Height and weight.

Military Service
Permissible
- Questions regarding relevant experience gained during military service.

Suspect
- Questions regarding type of discharge (except dishonorable).
- Questions regarding reserve duty obligations.
• Questions regarding service in foreign military.

Name
Permissible
• “Have you ever used any other name?”
• Is additional information, such as an assumed name or nickname, necessary in order to check job references?

Suspect
• “What is your maiden name?”
• “Has your name been changed by court order?”

National Origin
Permissible
• What languages other than English are relevant to the job applied for: “What languages, other than English, do you read or write?”
• “Can you speak, read, or write [Spanish]?”

Suspect
• Questions requiring applicant to identify national origin, ancestry, or nationality.
• “What is your first/native language?”

Notice in Case of Emergency
Permissible
• Statement that the name and address of an individual to be notified in case of accident or emergency will be required upon hire.

Suspect
• “Name, address, and relationship of relative or other individual to be notified in case of accident or emergency.”

Organizational Activities
Permissible
• “List all job-related organizations, clubs, or professional societies to which you belong - you should omit those that would identify your race, color, religion, sex, national origin, age, disability, or sexual orientation.”

Suspect
• “List all organizations, clubs, societies, etc. to which you belong.”
• Questions related to political affiliations or union membership.

Physical/Mental Disability
Permissible
• Describing the various functions of the job and asking “Can you perform the functions of the job for which you are applying, with or without a reasonable accommodation?”
Suspect
- “Do you have any physical or mental condition/disability which may affect your ability to perform the job applied for?”
- Questions regarding an applicant’s general health, medical conditions, illnesses, or disabilities, or receipt of benefits for disability or workers’ compensation.

Qualifications/Previous Work Experience
Permissible
- Questions related to previous experience and/or skills that are pertinent to the job applied for, names and addresses of former employers, dates of prior employment, and reason(s) for leaving previous employer.

Suspect
- Inflated experience requirements that are not strictly job related.

Religion
Permissible
- Statement of the employer’s regular working hours, days, or shifts and whether the applicant can work this schedule.
- Questions regarding religious days of observance or religious affiliation but only where such is a bona fide occupational qualification (demonstrably related to job performance).

Suspect
- Religion of applicant.
- Any questions which tend to elicit information about an applicant’s religious affiliation. For example, regarding activity in church groups.
- Requirement that applicants include a member of the clergy as a personal reference.

Residence
Permissible
- Address.

Suspect
- “Do you rent or own your home?”
- “Do you have any foreign residences?”
- “How long have you lived at your present residence?”

Sex
Permissible
- Applicant’s sex but only if sex is a bona fide occupational qualification (demonstrably related to job performance). Note: This is a very narrow defense.

Suspect
- Sex of applicant.
- Questions regarding pregnancy, birth control, numbers of ages of children, childbearing, or child care plans.
• Questions inquiring whether an applicant’s spouse will allow him/her to travel.

Race
Permissible
• Statement that a photograph may be required after hiring decision.
• Data for OFCCP or affirmative action compliance about EEO record keeping may be recorded and maintained separate from the application.

Suspect
• Questions requiring applicant to identify race, color, complexion, color of skin, hair, or eyes.
• Questions requiring applicant to identify attitudes working with, supervising, or being supervised by person of another race.

References
Permissible
• “List those persons willing to provide personal and/or professional references.”

Suspect
• Questions directed to applicant’s former employer(s) or personal references which illicit information regarding applicant’s race, color, religion, creed, sex, age, national origin, or disability.

Relatives/Anti-Nepotism
Permissible
• Statement of employer’s anti-nepotism policy. (Even though this is not an inquiry, the only way that an applicant can be informed that such a policy exists, and that it may be a disqualifier, is by a statement).
• Questions regarding spouse or relatives working for competitors where necessary to protect company secrets.
• Information for purposes of benefits administration, for example, marital status or number of dependents, can be required after hiring.

Suspect
• Questions that ask applicant to identify relatives or close friends working for the employer.
**SAMPLE EMPLOYEE PERSONNEL FILE**

The following are recommended contents for employee personnel files:

For Current Employees

- Employment application
- Resume (if offered)
- Letter of recommendation (if any)
- Employment offer letter
- New employee orientation checklist
- Benefit enrollment beneficiary information
- Employment agreement (if any)
- Copy of original payroll set-up sheet
- Copies of performance evaluations, goals, and objectives
- Copies of all disciplinary actions, any dispute procedure documentation and results
- Requests for any policy exceptions
- Requests for leaves of absence (if this contains medical information, place in separate medical file.
- Copies of complimentary letters or notes
- All notices with appropriate signature for all salary or status changes

For Separated Employees

- Copy of resignation
- COBRA notification

Notes: IRCA documentation (I-9) forms must be completed and should be kept in a separate file. Medical information must be kept in a confidential envelope or separate folder. Any EEO/AA information must be kept separate. Reference checks must be kept in a confidential envelope or separate job file.

**SAMPLE EVALUATION PROCESS**

Meaningful performance assessments require both the supervisor and the employee's valuation of the employee's performance.

**The Supervisor**

The employee's immediate supervisor is responsible for timely completion of the official evaluation report. In cases where the immediate supervisor does not have ample opportunities to judge the employee's performance, the lead worker (or others in a position to observe performance) should be consulted in completing the evaluation. A draft form should
be completed initially in pencil, and after discussion with the employee and the reviewer (if needed), the final evaluation will be typed or written neatly in ink.

**Common Errors to Avoid in Evaluating an Employee**

No matter how well designed, a performance appraisal program can fail if the supervisors doing the appraisal are not adequately trained and informed. The following guidelines describe some frequent errors to avoid.

- Avoid rating most employees at the high end of the scale. Experience shows that "excellent" and "very good" ratings are used more frequently than competent or adequate. This is too often a reflection of supervisor's lack of confidence in the supervisor's own ability than the employee's performance. A rating of "competent" or "adequate" is not adverse and can generate suggestions for improvement needed to merit a higher rating. Descriptions of excellence should be reserved for those whose performance is truly superior.

- Avoid the "Halo Effect." Raters tend to rate an individual consistently high, average, or low on all factors based on an overall impression. A dependable, conscientious employee does not necessarily produce high-quality work. Consider each factor separately and indicate strong and weak points. Don't hesitate to use the entire scale in your ratings. If the evaluations are to provide meaningful information, they must take advantage of the entire scale.

- Avoid labels. Describe exact behavior. For example, telling an employee of a "bad attitude" does not offer an alternative for improvement or provide the employee with understandable examples of the behavior.

- Avoid not using a standard evaluation form. Use the same approved form for all employees evaluated by the District for better consistency and fairness.

**Briefly Review General Background Information**

The more you know about an employee, the easier it is for you to understand and discuss work performance and behavior. Some time prior to the appraisal discussion, you should review the employee's past history, work experience, education, and previous performance appraisals.

**Arrange for the Interview**

Set a time and place for the discussion and avoid postponement. Arrange for appropriate privacy and time for the discussion. It is important to prevent interruption if at all possible. A private office or conference room creates a setting in which you and the employee can communicate effectively.

**The Employee Self-Evaluation**

The employee shall complete the form for self-evaluation prior to formally discussing past performance with the supervisor. Employees should be notified in writing in advance that an interview is planned. Employees will actively participate in the performance review
interview and will be given advance notice of the review date.

**Department or Division Review**
Individual divisions or departments may review the evaluations. Each should establish procedures and standards for review. The reviewer should normally be the evaluator's immediate supervisor. Only one person within that department or division should be the reviewer. The reviewer may want to review the performance evaluation completed by each evaluator under his/her responsibility before the evaluation is discussed with the employee. The reviewer should consider each evaluator's fairness, objectivity, thoroughness, and consistency in evaluating employees under the reviewer's supervision. In some circumstances to assure consistency, the reviewer should compare one supervisor's evaluations with another's, particularly within the same classification and work assignments.

**Conduct the Interview**
Approach evaluations as a helper, not a judge. Too often performance appraisal discussions are viewed as a time when the supervisor is the "judge". This is a difficult role which often prevents positive discussion. This is a time when you and the employee can look at job performance and find and discuss ways to improve it.

"Rating" performance involves judgments. However, in the discussion you should focus on specific ways to improve performance, in the role of a helpful teacher.

**Structure and Format of the Evaluation**
The interview should have some structure to it, varying with individual circumstances.

- Create a relaxed climate by indicating overall satisfaction and honest appreciation of job performance.

- Outline the purpose and objectives of the review. Explain the benefits of positive two-way communications about performance - a clear idea of how the employee is doing and potential steps to improve performance.

- Follow a comfortable sequence during the discussion, for example:
  - Past performance - on each relevant job performance factor;
  - Major strong points and weak points needing greater effort;
  - Specify developmental steps to be taken to improve performance; and
  - Goals and the role of the District.

- Encourage the employee to participate. The more an employee discusses performance, the better the review. Listen and gather information. Active listening is very important.
  - Use open-ended questions (who, what, when, why, and how) which encourage discussion rather than simple "yes/no" responses;
• Tell the employee you are receiving information, not judging; and

• Use restatement or reflection. This is a clarification process and feeds back what you are hearing to the employee.

• Discuss areas of good performance first. This is easier if you have required the employee to appraise performance as preparation for the review.

• Focus on areas of performance the employee identifies as not fully satisfactory. Determine what corrective action should be taken, and by whom. Collaborate on the action steps. Do you agree on areas of strengths and weaknesses? The more the employee participates in the plans for improvement, the greater will be the commitment to those plans. Offer useable criticism tactfully and constructively in the context of a discussion of strengths.

• Use specific and realistic improvement targets. Don't try to eliminate all areas of weakness in one session. Concentrate on the most important ones. A development plan with two or three steps is often accomplished. One with eight or nine may cause the employee to give up.

• Discuss personal goals and interest.

• Close the discussion by summarizing what has been covered and reviewing the specific steps to be taken by supervisors and the employee. If appropriate, set a follow-up date to discuss progress towards performance improvement.

Follow-Up
During the review, specific steps to improve performance were identified. If action needs to be taken by you, take it. If specific training has been recommended, it is important that it be undertaken. If parts of the job description have become obsolete, it should be rewritten.
### Manager Evaluation Form

For the period beginning __________ and ending __________

**Rating**

- U = Unsatisfactory
- NI = Needs Improvement
- ME = Meets Expectations
- EE = Exceeds Expectations
- O = Outstanding

#### PUBLIC RELATIONS

<table>
<thead>
<tr>
<th></th>
<th>U</th>
<th>NI</th>
<th>ME</th>
<th>EE</th>
<th>O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintains a proactive image of district programs in the community through effective utilization</td>
<td></td>
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<tr>
<td>Ensures that a public perception of service by the District is with courtesy and professionalism</td>
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<tr>
<td>Remains accessible to the community</td>
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<tr>
<td>Effectively handles citizen complaints/inquires</td>
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**COMMENTS:**

#### ADMINISTRATION

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<tr>
<th></th>
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<th>NI</th>
<th>ME</th>
<th>EE</th>
<th>O</th>
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</thead>
<tbody>
<tr>
<td>Plans and organizes implementation of programs and policies approved or adopted by the Board of Directors</td>
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<tr>
<td>Provides a clear, concise budget document that funds District services</td>
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<tr>
<td>Administers the adopted budget within approved revenue and expenditure allocations</td>
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<tr>
<td>Plans and organizes the maintenance of District-owned facilities, buildings, and equipment to ensure maximum and safe utilization</td>
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<tr>
<td>Plans for future staffing needs to meet District established service levels</td>
<td></td>
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<tr>
<td>Plans and organizes programs to maintain quality staff</td>
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<tr>
<td>Manages general District operations, including supervision of District staff</td>
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**COMMENTS:**

#### RELATIONSHIP WITH BOARD OF DIRECTORS

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<tr>
<th></th>
<th>U</th>
<th>NI</th>
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<tbody>
<tr>
<td>Maintains effective communications with the Board of Directors</td>
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<tr>
<td>Plans and organizes materials to present comprehensive information to the Board that assist in decision making</td>
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**COMMENTS:**
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<thead>
<tr>
<th>PERSONAL / PROFESSIONAL DEVELOPMENT</th>
<th>U</th>
<th>NI</th>
<th>ME</th>
<th>EE</th>
<th>O</th>
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<tbody>
<tr>
<td>Maintains relationships with professional associations and colleagues</td>
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<tr>
<td>Attends conferences and seminars to remain aware of developments in the field of communication</td>
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COMMENTS:

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<tr>
<th>PUBLIC RELATIONS</th>
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<th>NI</th>
<th>ME</th>
<th>EE</th>
<th>O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintains a proactive image of the District programs in the community through effective utilization</td>
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<tr>
<td>Remains accessible to the community</td>
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COMMENTS:

**ACCOMPLISHMENTS AND ACHIEVEMENT OF GOALS**

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

**FUTURE GOALS (Mutually Agreed Upon for Next Review Period)**

___________________________________________________________________________

___________________________________________________________________________

Manager ___________ Date ___________ President, Board of Directors ___________ Date ___________
Employee Evaluation Form

_______________________  ___________________  _____________
Employee’s Name  Position  Date

Type of evaluation:  Full Time _____  Regular Part-time _____
Probationary _____  Anniversary _____  Special _____

Period of evaluation:  From ________________  to  _________________
__________________________________________________________________

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<tr>
<th>RATINGS:</th>
<th>Outstanding 1</th>
<th>Probationary to:</th>
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<tbody>
<tr>
<td>Exceeds standards 2</td>
<td>Full time _____ Reg Pt/time _____</td>
<td></td>
</tr>
<tr>
<td>Meets standards 3</td>
<td>Merit increase: Yes _____ No _____</td>
<td></td>
</tr>
<tr>
<td>Need improvement 4</td>
<td>Special increase: ___________________</td>
<td></td>
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<tr>
<td>Unsatisfactory 5</td>
<td>(Identify)</td>
<td></td>
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</tbody>
</table>

1. Work Habits/Safety
   ____  Observance of working hours and rest periods/breaks
   ____  Attendance
   ____  Observance of rules and regulations
   ____  Compliance of safety rules
   ____  Ability to change and be flexible in new situations
   ____  Level of oral/written communication
   ____  Demonstrates willingness to assist and support other employees and the public

Comments:
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________

2. Quality/Quantity of Work
   ____  Accomplishes assignments and work objectives accurately and meets agreed upon schedules or deadlines
   ____  Establishes and follows work priorities
   ____  Neatness of work product
   ____  Accuracy

Comments:
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
3. Narrative paragraph on employee achieving performance benchmarks, major tasks, new initiatives, during the review period.

2. Statement as to expectations by supervisor for next year. This should include any recommended training.

3. Recommendation if any merit step is to be granted.

Receipt acknowledged by

_________________________  __________________________
Name of Employee                     Supervisor

_________________________  __________________________
Date                            Date

cc: Personnel file
SAMPLE JOB DESCRIPTIONS

Accountant

Position Definition:

Responsible for performing professional level accounting functions including financial statement and budget preparation and, coordination of internal audit activities.

Specific Duties:

Under the direct supervision of the General Manager, this position is responsible for the following duties:

- Prepares monthly, quarterly and year-end financial statements and, the annual budget.
- Oversees District accounting functions including the reconciliation of accounting data and the recording of investment earnings.
- Supervises accounting technician position.
- Conducts collections by telephoning on outstanding invoices.
- Enters payment data into computer system and imports data to the District’s computer programs.
- Establishes, implements, and improves accounting policies and procedures.
- Performs normal office functions and other duties as assigned.

Training and Experience Requirements:

Bachelor’s Degree in Accounting, Finance or related field and three years of financial experience; or an equivalent combination of education and experience which provides knowledge, skills and abilities sufficient to successfully perform the essential duties of the job.

Licensing Requirements

- Valid state of Oregon driver’s license.

Physical Requirements

- Incumbent is subject to travel.
- Must be able to exert up to 20 pounds of force.

FLSA Status

- Exempt
Office Coordinator

Position Definition:

Responsible for performing office support activities including reception, data entry, typing, desktop publishing, filing, and mailings.

Specific Duties:

Under the direct supervision of the Information and Resource Manager, this position is responsible for the following duties:

- Answers phone and greets visitors.
- Opens, sorts and distributes incoming mail.
- Opens and closes office; makes daily bank deposits; monitors and orders office supplies.
- Schedules maintenance and repairs for the Salem office’s equipment.
- Maintains membership database; enters data for membership renewals and member information updates, enters conference and seminar registrations.
- Generates monthly statements for membership dues, annual conference, seminar registrations and reference material.
- Responsible for making facility and other arrangements for education programs.
- Assist with the design, printing and mailing of education marketing materials.
- Maintain accuracy of broadcast email system.
- Work with Information and Resource Manager in production of newsletter.
- Backup for board meeting minute taking.
- Assists with onsite registration and prepares summaries and statistical analysis of education programs.
- Assists with maintenance of reference library database.
- Prepares and distributes annual membership directory.
- Provides support to Information and Resource Manager and Litigation manager to include typing, desktop publishing, data entry, filing, document scanning, and mailings.
- Assists Accounting Department with monthly health mailings and routine accounting functions.
- Maintains the office kitchen including washing dishes, maintaining beverage and kitchen supplies, and utensils.
- Prepares and cleans up coffee and other beverage service for the office and periodic on-site meetings. Assists with cleanup after Board and Trust meetings.
Training and Experience Requirements:

High School Diploma or General Equivalency Diploma (GED) and two years of experience related to office support functions; or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

Licensing Requirements
- Valid state of Oregon driver’s license.

Physical Requirements
- Incumbent is subject to travel.
- Must be able to exert up to 10 pounds of force.

FLSA Status
- Non-exempt

Position duties will be in compliance with all applicable state and federal employment laws including ADA and workplace harassment.
SAMPLE REQUEST FOR FAMILY MEDICAL LEAVE -- OREGON AND FMLA

Please Print.

Where the need for the leave may be anticipated, written request for Family Medical Leave must be made, if practical, at least 30 days prior to the date requested leave is to begin.

Name_________________________________________ Date __________________________

Department________________________________ Title__________________________

Status: □ Full Time □ Part time □ Temporary

Hire Date_________________________ Length of Service_______________________

I request family medical leave for one or more of the following reasons: *

☐ (1) Because of the birth of my child and in order to care for him or her.

Expected date of birth ____________ Actual date of birth ____________

Leave to start ____________ Expected return date ____________

☐ (2) Because of the placement of a child with me for adoption or foster care. Date of placement ______________________________

☐ (3) In order to care for my spouse, child, parent, parent-in-law or same-sex domestic partner with a serious health condition.

Leave to start ____________ Expected return date ____________

Please circle one: Spouse Child Parent Parent-in-law Same sex domestic partner

Please state name and address of relation:
Name:__________________________ Address: ______________________________

Describe serious health condition: _______________________________________
__________________________________________

* A physician’s certification may be required to support a request for family medical leave. In addition, a fitness for duty certification may be required before reinstatement following the leave.
☐ (4) For a serious health condition which prevents me from performing my job functions including pregnancy disability leave of a female employee.

Describe: __________________________________________________________

Leave to start _________________ Expected return date __________

☐ Regarding 3 or 4 above, request intermittent (reduced workday hours) or reduced leave (fewer work days each workweek) schedule (if applicable, subject to employer’s approval). Please describe schedule of when you anticipate you will be willing and able for work:

☐ (5) In order to care for a child with a condition requiring home care which does not meet the definition of serious health condition, and is not life threatening or terminal -- is another family member willing and able to care for the child?

☐ Yes ☐ No

Have you taken a family medical leave in the past 12 months? ☐ Yes ☐ No

If yes, how many work days? _____

I understand that where allowed by the federal or state law, leaves will run concurrently. This means that workers' compensation leave, leave for non-industrial injury or illness (including paid leave such as sick leave [if any]), leave as a reasonable accommodation for a qualified individual with a disability, paid vacation used for a family leave qualifying reason, and federal family medical leave and state family medical leave may all run concurrently and be counted against my annual family medical leave entitlement.

I understand that if I am eligible for sick leave, I may use accrued sick leave for my own serious health condition (including illness or injury related to pregnancy or childbirth) or parental care and will be required to use accrued vacation leave for all other types of leave. When accrued paid leave is available, it must be substituted for unpaid family medical leave before unpaid leave is taken. The District reserves the right to require which order such paid leave must be taken, pursuant to its Family Medical Leave Policy.

If my request for leave is approved, it is my understanding that without an authorized extension and where the need for an extension could be anticipated, the District reserves the right to terminate my employment if I do not report to work on the first day following the date my leave is scheduled to end.

I authorize the District to deduct from my paychecks any employee contributions for health insurance premiums, life insurance, or long-term disability insurance which remain unpaid after my leave, consistent with state law.

I have been provided a copy of the District's Family Medical Leave Policy.

Signature of Employee ___________________________ Date ________________
SAMPLE EMPLOYER FAMILY MEDICAL LEAVE NOTICE TO EMPLOYEE

Date:

To: ____________________________________________
   (Employee's Name)

From: ____________________________________________
   (Name of Appropriate Employer Representative)

Subject: Family Medical Leave Notice

Recently you notified us of your need to take family medical leave due to:

☐ the birth of your child, or the placement of a child with you for adoption or foster care; or

☐ a serious health condition that makes you unable to perform the essential functions of your job; or

☐ a serious health condition affecting your ☐ spouse, ☐ child, ☐ parent, ☐ parent-in-law,
  ☐ same-sex domestic partner ☐ parent of same-sex domestic partner,
  ☐ child of same-sex domestic partner for which you are needed to provide care.

☐ an illness or injury affecting your child for which you are needed to provide home care.

The dates you have requested leave are from ______________________ to ________________.

Effective ________ (date), your leave is being provisionally designated family medical leave. While you are on a family medical leave required under federal law (FMLA-qualified leave), and if you are otherwise qualified, the company will maintain your health benefits under the same conditions as if you continued to work. When you return to work you will be reinstated to your former position provided you return at or before the expiration of your leave. If your former position has been eliminated, you may be entitled to be reinstated to an available equivalent position with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following family medical leave for a reason other than (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to family medical leave; or (2) other circumstances beyond your control, you may be required to reimburse us for health insurance premiums paid on your behalf during your leave.

This is to inform you that (check appropriate boxes, explain where indicated):

1. You are ☐ provisionally eligible (pending receipt of medical certification, after which the employer's final designation will be made) ☐ eligible ☐ not eligible for leave under the family medical leave and/or state law.
2. The requested leave □ will provisionally (pending receipt of medical certification, after which the employer's final designation will be made) □ will □ will not be counted against your annual family medical leave entitlement.

3. You □ will □ will not be required to furnish medical certification of a serious health condition. You must furnish certification within 15 days of the date of this letter with the enclosed form. You will be reimbursed for any out-of-pocket expenses not reimbursed by insurance for furnishing this certification.

4. You may elect to substitute accrued leave for unpaid family medical leave. We □ will □ will not require that you substitute accrued paid leave for unpaid family medical leave. If paid leave will be used, the following conditions will apply: The company will require that you use accrued vacation during the leave unless you are receiving time loss and/or short-term disability benefits for the work days in question. The company will require that you use any accrued sick leave first, before use of any accrued vacation/personal leave.

5. a. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of family medical leave. You must make premium payments as follows: Set forth dates when payment must be made, e.g., the 10th of the month or at each period, and specify whether the employee's payment will be made by authorized payroll deduction.

b. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be canceled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during family medical leave, and recover these payments from you upon your return to work. We □ will □ will not pay your share of health insurance premiums while you are on leave.

c. We □ will □ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on family medical leave. If we do pay your premiums for other benefits, when you return from leave you □ will □ will not be expected to reimburse us for the payments made on your behalf.

6. You □ will □ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until the certification is provided.

7. While on leave, you □ will □ will not be required to furnish us with periodic reports every three days of your status and intent to return to work. If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the first page of this form, you □ will □ will not be required to notify us at least two work days prior to the date you intend to report for work.
8. You □ will □ will not be required to furnish recertification relating to a serious health condition.
SAMPLE RESOLUTION ADOPTING PERSONNEL POLICIES

RESOLUTION NO. _____

WHEREAS, it is in the best interests of the citizens of the District and the employees of the District that certain policies relating to employment by the District be clearly set forth; and

WHEREAS, the District Board has reviewed this manual of personnel policies for employees; and

WHEREAS, the adoption of these policies appears to be in the best interest of the District and its employees;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE __________________:

That the personnel policies attached hereto are approved and adopted as the policies for all employees of the District.

ADOPTED BY BOARD OF DIRECTORS THIS _______ DAY OF ______, 200
______________________, President [or Chairman]

ATTEST:
______________________, Secretary [or Clerk]

APPROVED AS TO FORM:
______________________, Legal Counsel