

# Lower Nehalem Watershed Council

## PERSONNEL POLICIES and PROCEDURES

The attached document states the personnel policies of the LNWC as adopted on  
\_\_\_\_\_, 2001 and to take effect immediately.

Adopted \_\_/\_\_/\_\_  
Revision A \_\_/\_\_/\_\_

LOWER NEHALEM WATERSHED COUNCIL  
PERSONNEL POLICIES AND PROCEDURES

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# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 1 - PURPOSE**

### **PURPOSE OF POLICIES AND PROCEDURES**

These policies and procedures provide a guide for all employees of the Lower Nehalem Watershed Council (which is referred to as “LNWC” or “Council” throughout these policies) relative to matters of personnel administration. These policies and procedures are intended to provide a guide to ensure uniformity and equity in personnel matters; to make employment with the Council desirable and to encourage each employee to give the best possible service in furtherance of the mission of the LNWC.

### **EQUAL OPPORTUNITY POLICY**

It is LNWC policy to employ, retain, promote, discipline, discharge, and otherwise treat all employees and job applicants on the basis of merit, qualifications and competence and any other classification protected under federal or Oregon law. It is the policy of the LNWC to comply with federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, veteran status or any physical handicap or disability which can be accommodated reasonably.

The Steering Committee is responsible for the implementation of LNWC procedures and this policy. It is the intent and desire of the LNWC that equal employment opportunity will be provided in employment, promotions, wages, benefits and all other privileges, terms and conditions of employment.

# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 2 - ADMINISTRATION**

### **ADMINISTRATION**

Administration of the personnel program and these policies and procedures is the responsibility of the Steering Committee. 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 produce a binding past practice.

### **GOVERNANCE**

Membership in the LNWC Steering Committee shall be in accordance with the Bylaws. The LNWC reserves the right to make unilateral changes to these policies and procedures at any time. Employees and the LNWC 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 Council, no employee or representative of the Council has the authority to enter into an agreement for employment for any specified period of time, or to make any agreement contrary to Council-approved policies.

### **AUTHORITY**

The LNWC and Steering Committee will have authority over all matters of personnel administration through adoption and implementation of the Council budget, pay plans, and resolutions adopting and/or amending the personnel policies and procedures.

The Council delegates to the Steering Committee broad discretion in all aspects of personnel relations, subject to the advice and concurrence of the Council. The Steering Committee may specifically delegate, to one or more of its members, in writing, the authority for the enforcement of specific rules and policies.

In the event that LNWC By-Laws differ with this Personnel Policy and Procedure in any regard, the By-Laws shall have precedence.

### **VARIANCE OF STRICT APPLICATION**

The Steering Committee shall have the power to vary or modify the strict application of these policies and procedures in unusual circumstances in which strict application would result in practical difficulties or unnecessary hardship. The Steering Committee shall inform the Council of all variances or modifications made under this authority at the next regular Council meeting. Exceptions granted in any instance will not be binding in the future.

## **LNWC PERSONNEL POLICIES AND PROCEDURES**

### **SECTION 3 - EMPLOYMENT**

#### **SELECTION COMMITTEE**

The Council, or Steering Committee when authorized by the Council, shall appoint a Selection Committee made up of no less than three or more than five members made up from the following:

- Chair or Co-chair
- One Steering Committee Member
- The Coordinator
- At-large Council Member(s)

The Selection Committee shall conduct all interviews and make written recommendations of findings to the Steering Committee.

#### **JOB ANNOUNCEMENT**

A job announcement will be made for any vacant position within the LNWC and will be initiated by the Steering Committee after approval by the Council. The announcement will 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 will be published in appropriate newspapers of general circulation to reach the most qualified applicants. Closing dates for applications will be set by the Steering Committee.

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

#### **EMPLOYMENT**

All candidates for initial employment with the LNWC shall be selected for appointment by an open competitive process through the review of application, conformity of skills with job description, interview and oral or written examination.

Applicants for employment will 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 Steering Committee may make appointments to positions when specifically authorized by the Council.

## **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 Steering Committee will design selection criteria based on job description and list of specific skills. Based on the results of the selection process, applicants will be selected by the Steering Committee or Selection Committee for an employment interview.

## **PHYSICAL EXAMS**

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. Any information gathered will be treated as a confidential medical record.

## **DRIVING RECORD**

Job applicants' driving records may be checked prior to hiring as a condition of employment.

## **PROBATIONARY PERIOD**

There is a probationary period not to exceed three (3) months following appointment. At the end of this period the Chair and Council Coordinator will prepare a written performance review which will be reviewed by the Steering Committee for concurrence. If the probationary employee is the Coordinator the Chair will prepare a written performance review which will be reviewed by the Steering Committee for concurrence.

## **CATEGORIES OF EMPLOYMENT**

Persons appointed to service with the LNWC shall be appointed in one of the following categories:

A. Regular Full-Time Employees.

Full-time employees are those persons appointed to positions which require full-time attendance as defined in Section 5.

B. Part-time Employees.

Part-time employees are those persons appointed to positions which require less than full-time attendance, but whose services are required on a regular basis.

C. Temporary Employees.

Temporary employees are individuals hired for short periods of time for the completion of specific projects.

### **EMPLOYMENT OF RELATIVES**

Relatives of employees will not be hired by the LNWC. "Relatives" are defined as "immediate Family". Immediate Family is defined as, spouse, children, step-children, parents, siblings, parents-in-law, sister/brother-in-law and grandparents. Present employees who marry will be permitted to continue work only if they do not work in a direct supervisory relationship with one another. 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.

# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 4 - COMPENSATION**

### **COMPENSATION DETERMINED**

Compensation levels shall be set by the funding source or Steering Committee. Compensation levels must be approved by the Council.

### **PROBATIONARY PERIOD**

During the probationary period, compensation may be adjusted by the Steering Committee with prior approval by the Council.

### **RATES OF COMPENSATION**

Employees shall be compensated at an hourly rate of pay determined by the appointing authority to be commensurate with duties performed and skills required. In no case will compensation be less than the minimum wage.

### **PAY PERIODS**

Employees may be paid weekly or biweekly, as mutually agreed.

### **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 as applicable;
- ✓ Other deductions as required by law

## **LNWC PERSONNEL POLICIES AND PROCEDURES**

### **SECTION 5 - HOURS OF WORK, OVERTIME, COMPENSATORY TIME**

#### **WORKDAY AND WORKWEEK DEFINED**

The workweek, for time accounting purposes, shall consist of a seven (7) day period commencing at 12 midnight, Monday morning. The workday is a 24 hour period commencing at 7:00 a.m. each day. The actual workday and workweek schedule shall be established by the Steering Committee, Coordinator, or Council Chair.

#### **NORMAL WORKING HOURS**

The normal work week for full-time employees consists of forty (40) hours. However, this should not be considered as a guarantee of any specific amount of work being made available.

A. Rest Period. All personnel may take a 15-minute rest period during each half shift, scheduled at or as near as feasible to the middle of each half shift. Consistent with operating requirements, employees who at the request of the LNWC to work two or more hours beyond their regular quitting time shall receive a 15-minute rest period for each two hour period worked. Work coverage shall be maintained where required, breaks shall be taken at the job site.

B. Meal Period. All personnel shall be granted an uncompensated meal period not to exceed one hour during each work shift. This period may be varied as circumstances require. Any travel time for the meal period shall be on an employee's own time.

#### **FLEXIBILITY OF WORKWEEK AND HOURS**

Due to the limited number of employees, flexibility is crucial and employees may be required to work such days and hours as are deemed necessary by the Steering Committee, Coordinator, or Council Chair.

Working hours will vary from week or week depending on work priorities. Employees are expected to accomplish service priorities in a timely fashion within the normal work week to the greatest extent possible.

#### **ACCOUNTING FOR TIME**

Employees shall daily complete a time sheet showing hours worked, overtime, any absence from work, and shall account for the day's activities. Time sheets shall be delivered to Treasurer who shall, with the approval of the Council Chair, make payment.

#### **OVERTIME**

General. LNWC overtime practices are governed by ORS 279.340, the Federal Fair Labor Standards Act, and this resolution.

**OVERTIME DEFINED**

Overtime occurs when more than 40 hours are actually worked in the workweek. Actual working time, accrued compensatory time utilized, or holiday time utilized may be used in the determination of overtime.

**WORKDAY DEFINED FOR OVERTIME**

The workday, for overtime calculations, is a 24 hour period commencing at 7:00 a.m. each day.

**COMPENSATORY TIME**

Limited funds may be budgeted for the payment of overtime. However, compensation for overtime work will generally be in the form of compensatory time off in lieu of monetary overtime compensation.

Compensatory (comp) time at the rate of 1-1/2 hours for each hour of overtime will be granted in lieu of overtime pay (except as noted above). Accrual of comp time shall be in the form of straight hour equivalents.

**MAXIMUM ACCRUAL**

As of January 1, 2002 a maximum of 40 hours of compensatory straight hour equivalent time off may be accrued. Beyond that date any amount accrued over the 40 hour limit will be paid to the employee at the next pay period.

# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 6 - HOLIDAYS**

### **DESIGNATED HOLIDAYS**

- < Full time employees will receive a day off with pay on each of the following national holidays:
- < New Year's Day on January 1.
- < Martin Luther King, Jr. Birthday, third Monday in January.
- < President's Day, commemorating Presidents Washington and Lincoln, third Monday in February.
- < Memorial Day on the last Monday in May.
- < Independence Day on July 4.
- < Labor Day on the first Monday in September.
- < Thanksgiving Day on the fourth Thursday in November.
- < The Friday following Thanksgiving Day.
- < Christmas Day on December 25.

### **DISCRETIONARY PARTIAL HOLIDAY - SUSPENSION OF WORK**

When the day before Christmas or the day before New Year's Day are normal workdays, work may be suspended at noon at the discretion of the Steering Committee, consistent with the needs of the LNWC. When work is so suspended, employees shall work four hours.

### **COMPENSATION FOR HOLIDAYS**

Part-time employees shall be compensated for their normal hours and rate of pay for holidays. Temporary employees will not be compensated for holidays.

### **HOLIDAYS FALLING ON SATURDAY OR SUNDAY**

Holidays which fall on a Sunday shall be observed on the following Monday. Holidays falling on a Saturday shall be observed on the preceding Friday.

# LNWC PERSONNEL POLICIES AND PROCEDURES

## SECTION 7 - LEAVE OF ABSENCE

### LEAVE OF ABSENCE DEFINED

A leave of absence is any absence from the normal work schedule, excepting unauthorized absence.

### SICK LEAVE

Sick leave is a leave of absence granted any employee unable to perform duties due to illness or injury.

A. Notification of Inability to Work.

Employees who are unable to report to work due to illness or injury must notify the Coordinator and/or Council Chair, if possible, on or before scheduled starting time.

B. Accrual of Sick Leave.

Regular, full-time, non-exempt employees shall accrue sick leave at the rate of one (1) day per calendar month. Part-time and Temporary employees shall not accrue sick leave.

New employees shall accrue sick leave commencing with the first full month of employment, but may not use sick leave during first three months of employment. After three months, the employee shall be credited with accrued sick leave and shall be eligible to use such leave.

C. Use of Sick Leave.

Employees may use their accrued sick leave only for personal illness, injury or disability.

D. Misuse of Sick Leave.

Sick leave shall be granted and used ONLY for the reasons specified in (C) above, and use for any other purpose shall constitute fraud against the LNWC.

E. Charging of Sick Leave.

Sick leave shall be charged against the employee's accrued balance on the basis of one (1) day sick leave for each work day absent.

1. Less Than Full Day. For periods of less than one (1) full day, the minimum charge shall be in increments of one-half (1/2) hour.

F. Unused Sick Leave.

Unused sick leave may be carried forward, from year to year, to protect the employee against extended illness or convalescence. Maximum accrued balance is established at 400 hours.

G. Verification of Illness or Injury.

The Coordinator or the Council Chair may require certification of the attending physician to substantiate that illness or injury prevents the employee from working.

H. Reporting Illness or Injury.

Any employee unable to report for work due to illness or injury shall report to the Coordinator or Council Chair the reason for absence no later than the time the employee is scheduled to report for work. Sick leave may be denied unless such report is made.

I. Compensation During Sick Leave.

Employees shall be compensated at the normal rate of pay during periods of sick leave. Such compensation shall continue for the number of days equal to the accrued sick leave credited to the employee.

J. Granting of Sick Leave in Advance of Accrual.

In no case shall sick leave be granted in advance of accrual.

K. Disposition of Unused Sick Leave Upon Resignation or Termination of Employment.

Upon resignation, or termination of employment, any unused sick leave balance shall be dropped.

## **JURY SERVICE**

Employees summoned for jury service are encouraged to perform such service. Employees shall notify the Steering Committee or Coordinator who will make arrangements to reassign work as required. An employee called for jury duty and released prior to 1:00 p.m. shall return to his duties for the remainder of the workday. Jurors will pay the LNWC payments for jury duty (except mileage). The employee's wages will continue at their normal rate, minus the current per diem rate for jury service, during their term on jury duty.

## **LEAVE OF ABSENCE WITHOUT PAY**

It is in the best interest of the LNWC to retain trained and efficient personnel. Therefore, in unusual circumstances, employees may be granted a leave of absence without pay.

A. Request for Leave of Absence Without Pay. Requests shall be made, in writing, and shall provide sufficient facts to justify approval. Leave of absence without pay shall not be granted to an employee accepting employment outside the LNWC.

B. Duration of Leave. A maximum of thirty (30) calendar days leave of absence without pay may be granted, at the discretion of the Steering Committee. Such period shall not be extended. Requests for such leave for periods longer than thirty (30) days shall be referred to the Council.

# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 8 - CONTINUING EDUCATION**

### **PURPOSE OF CONTINUING EDUCATION**

The purpose of continuing education of employees is to increase the skills of the employee in their field. Such education is in the best interest of the LNWC and the employee. This program shall be managed by the Steering Committee.

### **COMPENSATION**

#### **A. Related.**

Attendance at job related courses, seminars and meetings shall be considered job performance. Attendance at job related courses seminars and meeting during non-working hours shall be compensated by compensatory time off, on an hour for hour basis. Compensatory time off is in consideration of class time and travel time when more than 40 hours are worked in a week.

#### **B. Unrelated.**

Attendance at unrelated courses, seminars and meetings during normal working hours shall be an employee's responsibility, and permission to use compensatory time must be approved by the Steering Committee.

### **COST AND EXPENSE**

#### **A. Job Related.**

Costs and expenses associated with job related courses, seminars and meetings shall be borne by the LNWC. Approval of the Steering Committee is required prior to obligation of funds. Lodging, meals and travel costs shall be compensated according to current policy at the time.

#### **B. Unrelated.**

Costs associated with unrelated courses, seminars and meetings will not be borne by the LNWC. Costs of semi-related courses, seminars and meetings may, at the discretion of the Steering Committee, be partially or wholly borne by the LNWC.

## LNWC PERSONNEL POLICIES AND PROCEDURES

### SECTION 9 - TRAVEL

All travel requests for overnight trips or trips in excess of 150 miles (round trip) require prior approval by the Treasurer and Council Chair or Coordinator to insure that the travel is appropriate to the needs of the LNWC and that budgeted funds are available.

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

A. Transportation.

Travel on official business other than regular duties outside the LNWC by a single individual should be via public carrier or personal vehicle when practical. If the employee uses her/his own car, mileage will be paid at the federal IRS rate at the time travel is taken. This rate includes all travel and parking expenses of the vehicle.

B. Insurance.

Employees who may be required to drive must possess a valid Oregon driver's license. Employees who use their personal vehicle on LNWC business must provide proof of auto insurance and maintain limits specified by the Oregon Department of Motor Vehicles.

C. Lodging And Meals.

Employees who are required to travel on LNWC business will be reimbursed for their receipted lodging and meal expenditures.

Levels of reimbursement shall be in accordance with OWEB directive "Travel and Other Expenses" guidelines. When the period of travel is of sufficient time, or the expense involved is of a sufficient nature, the LNWC will authorize an advance to the employee to cover such expenses.

Reimbursement of expenditures in excess of any advance, or expenditures where there is no advance forwarded, or refund of any advance over expenditures, should take place immediately upon the return of the person traveling for the LNWC.

An accurate record, including time, place, amount and purpose must be maintained and remitted to the Treasurer upon completion of the travel assignment. Receipts are required for all reimbursements.

# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 10 - EMPLOYEE CONDUCT**

### **CONDUCT GENERAL**

The established standard of conduct for all employees shall be that which is in the public interest and which promotes the best possible relations with the general public. Every employee should keep in mind that each is a part of a team, and public satisfaction with the LNWC depends upon good service.

### **PUBLIC RELATIONS**

A positive attitude, courtesy, and conduct on and off the job are important to the individual as well as to the LNWC. Employees of the LNWC are expected to be courteous, efficient, and helpful in all their work assignments. A favorable impression created by employees' public behavior helps develop good will and support for LNWC activities. Any situation involving relations with the public which the employee can not resolve, shall be immediately reported to the Coordinator or Council Chair. The Coordinator and Council Chair shall make a full report of any adverse situations to the Steering Committee and Council at the earliest opportunity.

### **PERSONAL APPEARANCE**

Each employee is responsible to present appropriate, businesslike appearance whether in the office or on the job site. Good taste and good judgment in personal attire is expected.

### **APPEARANCE OF WORK AREAS**

An LNWC objective is to provide a clean, safe and healthy work environment. It is the responsibility of each employee to maintain this environment by keeping all work areas neat. The employees are responsible for securing LNWC buildings and equipment at the close of each work day.

### **PERSONAL TELEPHONE CALLS**

LNWC phones are to be used for LNWC business only. Personal calls should be kept to a minimum and made during breaks or lunch periods whenever possible. Under no circumstances should personal long distance calls be charged to the LNWC.

### **SMOKING**

State law prohibits smoking in buildings except in designated smoking areas. The LNWC prohibits smoking in all its buildings. The only designated smoking area is outside away from any flammable

or combustible material.

**IMPROPER CONDUCT DEFINED**

A. Conviction of a violation of the laws of the United States, or the State of Oregon, or any other state, or of any lower legislative jurisdiction, when such offense involves "Moral Turpitude".

1. Minor traffic offenses and offenses defined as "infractions" are not considered improper conduct.

B. Partaking of drugs or alcohol while working, or being under the influence of controlled substances or alcohol while working. Drugs, as used herein, shall not include substances used under physician's prescription.

C. Insubordination or misconduct

D. Gross inefficiency or incompetence in the performance of duty.

E. Habitual tardiness or absence.

F. Misuse of Sick Leave

G. Negligent care, handling, use, misdirection, operation or theft of LNWC equipment or property, including private use without prior written approval by the Coordinator or Council Chair.

H. 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 while on the job.

I. Violation of safety rules.

J. Falsification of LNWC records (time cards, logs, etc.).

K. Violation of standing or special orders of the Steering Committee.

L. Use of employee's official authority or position with the LNWC to further any political cause, party, candidate for nomination or election to any political office.

## **LNWC PERSONNEL POLICIES AND PROCEDURES**

### **SECTION 11 -HARASSMENT**

#### **POLICY**

The LNWC will work to eliminate and prevent harassment and to alleviate any effects harassment may have on the working conditions of an employee. All harassment is forbidden, including unsolicited remarks, gestures or physical contact, display or circulation of derogatory written materials or pictures regarding either gender or racial, ethnic or religious groups. No employee will harass another employee.

In response to formal reports of harassment, the LNWC will protect all parties involved from retaliation, false accusations, or future harassment, and where indicated will take prompt and adequate remedial measures.

Anyone who becomes aware of the harassment of our employees by an employee, vendor or customer shall notify the Coordinator and Council Chair unless there is an allegation against that person, and if so, a written reports will be forwarded to the Steering Committee who will delegate the matter to LNWC legal council. During the course of the investigation, every effort will be made to protect the right to privacy of all personnel involved in the charges.

In the event the investigation reveals the existence of acts of harassment, the responsible employee(s) will be subject to appropriate disciplinary action.

## LNWC PERSONNEL POLICIES AND PROCEDURES

### SECTION 12 - DRUGS AND ALCOHOL

#### POLICY

The LNWC has a responsibility pursuant to the Drug Free Workplace Act of 1988 to maintain a work environment free from the effects of drugs, alcohol, or other performance-impairing substances and by assisting employees to overcome drug or alcohol related problems through appropriate treatment and, if necessary, disciplinary action.

- A. Employees shall not report to work under the influence of intoxicating liquor or illegal drugs.
- B. The use, sale, possession, manufacture, distribution and/or dispensing by an employee of an intoxicating liquor, controlled or illegal substance, a drug not medically authorized or any other substance which impairs job performance or poses 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.
- C. The policy includes both voluntary and mandatory testing.
- D. Positive test results may only be disclosed to the employee and the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any personnel action.
- E. All medical and rehabilitation records will be deemed confidential "patient" records and may not be disclosed without the prior written consent of the employee, authorizing court order, or otherwise as permitted by Federal law.
- F. This policy will be enforced and administered in a manner which is consistent with the policy statement set forth in this section, and with the advice and concurrence of the LNWC Attorney.

#### PERMITTED USE

It is the employee's responsibility to determine from a physician whether or not a prescribed drug can impair job performance. An employee whose impairment may affect job performance should take steps consistent with advice of a physician. If an employee reports to work under the influence of prescription medication and endangers self or others, the employee may be disciplined. Any failure to report the use of such drugs or other substances following an event of concern to the Coordinator, Council Chair, or Steering Committee, or failure to provide evidence of medical authorization, can result in disciplinary action.

**REPORTS OF DRUG CONVICTION.**

Each employee must report facts and circumstances to the Steering Committee no later than five (5) days after conviction for violating any criminal drug statute.

**DRUG TESTING UPON REASONABLE SUSPICION.**

Where there is 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 including 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.

Refusal to submit to testing will be subject to disciplinary action including suspension or termination. Alleged lack of reasonable suspicion is not grounds to refuse to submit to a test.

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

- A. Direct observation of drug use or possession;
- B. Physical symptoms of being under the influence of a drug;
- C. A pattern of abnormal conduct or erratic behavior;
- D. Arrest or conviction for a drug-related offense; and
- E. Information provided either by reliable and credible sources or independently corroborated.

**CONFIRMATORY TEST.**

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

**LNWC PERSONNEL POLICIES AND PROCEDURES****SECTION 13 - INDIVIDUAL DEVELOPMENT****POLICY**

The Steering Committee will conduct a yearly review of an employee's performance.

# LNWC PERSONNEL POLICIES AND PROCEDURES

## SECTION 14 - DISCIPLINE

### DEFINITION AND PURPOSE

Disciplinary action is that action taken in response to improper conduct. The purpose of disciplinary action is to improve employee performance, morale and effective LNWC services.

### LNWC TO IMPOSE DISCIPLINARY ACTION

Disciplinary action shall be imposed by the Steering Committee in an executive session.

### DISCIPLINARY ACTIONS AUTHORIZED

Disciplinary action for minor infractions should be in the following order:

- A. Verbal warning or written reprimand.
- B. Suspension from work with pay for one (1) day after which the employee will re-affirm their interest in continued employment with the LNWC.
- C. Demotion or Discharge.

Exceptions or deviations from the normal procedure may occur whenever the Steering Committee deems it appropriate, on a case-by-case basis.

Disciplinary action for major offenses (defined: a conviction for criminal misdemeanor or felony involving actions related to or carried out in behalf of the LNWC) shall be at the discretion of the Steering Committee.

### NOTICE OF DISCIPLINARY ACTION

A notation of any disciplinary action taken shall be placed in the personnel file of the employee, and shall cite the cause for which the action was taken.

### APPEAL PROCEDURE

Any regular employee who has been suspended, reduced in pay, demoted or dismissed, has the right of appeal to the Steering Committee. Notice of the appeal must be filed not later than ten (10) days of the effective date of the action.

**HEARING OF APPEAL**

Upon receipt of an appeal, the Chair shall schedule the hearing at the next regular Steering Committee meeting, and cause the proper notice of hearing to be given the appellant, other members of the Council and the public, if required.

- A. Hearing in Executive Session. The appeal shall be heard by the Steering Committee in executive session, as provided in ORS 192.660, unless the employee requests an open hearing. The employee and the Steering Committee may have legal counsel present, at their option.
- B. The Council may affirm or modify the disciplinary action taken by the Steering Committee. The decision of the Council on appeal shall be final.

## **LNWC PERSONNEL POLICIES AND PROCEDURES**

### **SECTION 15 - PERSONNEL RECORDS**

#### **MAINTENANCE OF FILE**

Official personnel records of employees will be maintained by the Council Secretary.

#### **REMOVAL**

Documents will not be removed from a personnel file, except pursuant to a determination by the Steering Committee that each particular document is not accurate, or is no longer relevant or timely to any personnel or performance matter.

#### **MEDICAL RECORDS**

Documents containing medical information will be kept in a separate, confidential file that is not part of the employee's personnel file. While these records will be treated as confidential, supervisors may be informed regarding necessary work restrictions and necessary accommodations. Supervisors will also be made aware of an employee's disability, if the disability might require emergency treatment, and government officials investigating compliance with discrimination laws will be provided relevant information on request.

#### **PROCEDURES FOR ACCESS BY EMPLOYEE**

Employees wishing to inspect/review their personnel file will make an appointment in advance with the Council Secretary. An employee may receive a copy of such records.

#### **STEERING COMMITTEE REVIEW OF PERSONNEL FILES**

Personnel files will be reviewed by the Steering Committee every five years. Material deemed inappropriate or no longer relevant may be removed 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.

## **LNWC PERSONNEL POLICIES AND PROCEDURES**

### **SECTION 16 - RESIGNATION OR TERMINATION OF EMPLOYMENT**

#### **RESIGNATION**

Any employee may resign from employment with the LNWC by presenting his resignation, in writing, to the Steering Committee. To resign in "good standing", the employee shall give ten (10) working days notice, unless the Steering Committee and employee mutually agree to a lesser period.

#### **FAILURE TO GIVE REQUIRED NOTICE**

Failure to give the notice required may be cause for denying future re-employment.

#### **TERMINATION OF EMPLOYMENT**

Employment may be terminated by disciplinary action for cause, or by lay off.

##### **A. Termination for Cause.**

Employees whose employment is terminated for cause are deemed to be not in "good standing". An entry shall be made in the employee's personnel file restricting re-employment.

##### **B. Layoffs.**

Employees whose employment is terminated for reasons other than discipline, shall be deemed to be in "good standing".

##### **1. Notice of Lay Off.**

The LNWC shall give ten (10) working days written notice of lay off, and failure to give such notice shall entitle the employee to an additional ten (10) days compensation.

##### **2. Order of Lay off shall be:**

Part-time Employees  
 Temporary Employees  
 Probationary Employees  
 Regular Full-time Employees  
 Coordinator

##### **3. Preference for Retention.**

Where qualifications and ability are equal, preference for retention shall be based upon performance and seniority of employment.

##### **4. In lieu of layoff the LNWC may reduce the hours of work of LNWC personnel.**

**LNWC PERSONNEL POLICIES AND PROCEDURES****SECTION 17- OUTSIDE WORK POLICY****DEFINED**

Outside work is any work for another employer, or self-employment, for which pay is received and which is performed outside the regular working hours of the LNWC.

**POLICY**

Outside work may be performed, subject to the following:

- A. It is not incompatible with the employee's LNWC work.
- B. It in no way detracts from the efficiency of the employee in his LNWC work.
- C. It does not conflict with the interests of the LNWC.
- D. It is understood that the LNWC has first call upon the services of its employees, regardless of any effect on secondary employment.

**ILLNESS OR INJURY INCURRED WHILE ENGAGED IN OUTSIDE WORK**

Illness or injury incurred while engaged in outside work shall not be covered by the LNWC sick leave policy and no sick leave benefits shall be paid by the LNWC.

# **LNWC PERSONNEL POLICIES AND PROCEDURES**

## **SECTION 18 – SAFETY**

### **SAFETY POLICY STATEMENT**

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 the Steering Committee.

### **PROMOTION AND COORDINATION OF SAFETY**

The promotion and coordination of safety, and safety training, shall be the responsibility of the Steering Committee who shall issue such orders and provide such training as may be necessary for safety of employees and the public.

### **EMPLOYEE RESPONSIBILITY**

All employees are required, as a condition of their employment, to follow all safety practices established for the protection of themselves, their fellow employees and the public. The LNWC requires that each employee accept responsibility for safety as a personal matter, to cooperate in developing safe working habits, and to report hazardous working conditions. Every effort will be made to remedy safety problems as quickly as possible.

### **REPORTING**

Any incident, including “near misses”, which result, or could have resulted, in injury or damage to LNWC employees, volunteers or property shall be reported to the Council Chair and Council Coordinator immediately. A written report shall be provided to the Steering Committee by the employee at or before the next regular Steering Committee meeting.

### **MANAGEMENT RESPONSIBILITY**

The Steering Committee shall review, as needed, safety practices, policy or procedures warranted by hazards. Each accident and “near miss” is cause for review. One member of the Steering Committee may be appointed Safety Officer.

### **SAFETY EQUIPMENT**

All necessary safety equipment shall be provided by the LNWC.

### **RETURN TO WORK POLICY**

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

All requests to return to work must be accompanied by a dated, written release signed by the employee's attending physician. Requests to return to work must be made immediately following the date of the physician's signature on the written release. This release must clearly specify whether the employee is released for restricted work and include a description of restricted tasks. The Coordinator or a member of the Steering Committee is authorized to waive this requirement.

### **LIGHT DUTY WORK ASSIGNMENTS**

Employees with a work related disability 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 30 days from their treating physician so the Coordinator, Council Chair or Steering Committee 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 LNWC offers light duty accommodations only for those employees whom the Coordinator, Council Chair, or Steering Committee 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 Coordinator, Council Chair, or Steering Committee may discontinue the light duty assignment. No light duty assignment is intended to become permanent.

## **LNWC PERSONNEL POLICIES AND PROCEDURES**

### **SECTION 19 - COMPLAINTS AGAINST EMPLOYEES**

#### **COMPLAINT DEFINED**

A complaint is defined as an accusation, made by a member of the general public or another employee, against an employee of the LNWC and which questions the conduct, performance or fitness of that employee.

#### **PROCEDURE FOR RESOLUTION OF COMPLAINTS**

The following procedure will be used in submitting and processing a complaint:

- A. The complainant shall deliver to the Coordinator and Council Chair a written complaint specifying in detail the nature thereof.
- B. The Coordinator and Council Chair shall, with ten (10) working days of receipt, conduct such investigation as is necessary to determine if the complaint is sufficient to warrant action.
- C. If the complaint is not sufficient, the Coordinator and Council Chair shall make an appropriate written response to the complaint.
- D. If the complaint is sufficient, the employee shall be notified, in writing, of the nature of the complaint and shall be given the opportunity to be heard before the Steering Committee. This hearing shall be not more than ten (10) working days from the date of the notice, unless the Steering Committee and the employee agree upon a different date.
- E. Within five (5) working days following the hearing, the Steering Committee shall make a deposition of the matter and shall notify the complainant and the employee of such deposition in writing.

# LNWC PERSONNEL POLICIES AND PROCEDURES

## SECTION 20 - GRIEVANCE PROCEDURES

### GRIEVANCE DEFINED

A grievance is defined as a difference of opinion regarding the interpretation or application of these policies and procedures.

### POLICY

It is the policy of the Council that employees have grievances considered rapidly and without fear of reprisal.

### PROCEDURE

A. Reduction to Writing.

The aggrieved employee shall reduce his/her interpretations to writing for presentation to the Steering Committee.

B. Written Response.

The Steering Committee shall examine the written statement and make a decision based on that statement within ten (10) days. The Steering Committee shall then respond in writing to the aggrieved employee.

C. Hearing:

If the employee is not satisfied with the Steering Committee response he/she may ask for a hearing of the Council. The Council shall examine the written statements and set the matter for hearing within ten (10) working days of receipt. If no regularly scheduled meeting of the Council falls with the ten (10) day period, a special meeting may be called for the specific purpose of considering the grievance.

D. Decision.

Within three (3) working days following the hearing, the Council shall deliver its decision, in writing, to the Steering Committee and the employee. The Council shall be the final arbiter of the interpretation of these policies and procedures under this procedure.