



# AGENDA

LANE REGIONAL AIR PROTECTION AGENCY  
MONTHLY BOARD OF DIRECTORS MEETING  
**THURSDAY DECEMBER 14, 2023**  
11:45 P.M.

## Virtual Participation

By Video: <https://us02web.zoom.us/j/82551664224>  
By Audio: +1 253 215 8782  
Meeting ID: 825 5166 4224  
*[Note: Start times for agenda items are approximate.]*

## In-Person Participation

LRAPA  
1010 Main Street  
Springfield, OR 97477

## WORK SESSION: (11:45 p.m.)

Informational

1. **AirMetrics Work Session**
  - A. Work session materials
  - B. Board Discussion

## CALL TO ORDER:

1. **Call to Order (12:15 p.m.)**
2. **Adjustments to Agenda (12:15 p.m.)**
3. **Public Participation (time limited to three minutes per speaker) (12:20 p.m.)**
  - A. **Comments on an Item on Today's Agenda**
  - B. **Comments on a Topic Not Included on Today's Agenda**

*(Note: This is an opportunity for the public to bring up unscheduled items. The Board may not act at this time but, if it is deemed necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes' speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)*
4. **Comments from Board Members** *(Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act at this time but if it deems necessary place such items on future agendas.)*
5. **Consent Calendar (12:25 p.m.)**
  - A. Approval of Minutes for November 9, 2023 Board of Directors Meeting
  - B. Approval of Financial Report October 2023
6. **Appoint Susannah Sbragia as Interim Director (12:30 p.m.)** Action
  - A. Bryan Cutchen
  - B. Board Discussion

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|--|--------|
| <b>7. Board Direction for AirMetrics Enterprise Fund (12:35 p.m.)</b><br>A. Susannah Sbragia<br>B. Staff Report<br>C. Board Discussion           | Action |
|  |        |
| <b>8. Funding for Building Project (1:00 p.m.)</b><br>A. Jenilee Easter & Lance Giles<br>B. Staff Report<br>C. Board Discussion                  | Action |
|  |        |
| <b>9. Recruitment for Director Position (1:15 p.m.)</b><br>A. Bryan Cutchen<br>B. Board Discussion   | Action |
|  |        |
| <b>10. Employee Handbook (1:30 p.m.)</b><br>A. Susannah Sbragia<br>B. Staff Report<br>C. Board Discussion  | Action |
|  |        |
| <b>11. Title 47 Outdoor Burning Public Hearing Reschedule Request (1:50 p.m.)</b><br>A. Travis Knudsen<br>B. Staff Report<br>C. Board Discussion | Action |

**12. Adjournment of LRAPA Board Meeting (2:00 p.m.)**

*We endeavor to provide public accessibility to LRAPA services, programs, and activities for people with disabilities. People needing special accommodations to participate in LRAPA public hearings such as assistive listening devices or accessible formats such as large print, Braille, electronic documents, or audio tapes, should please contact the LRAPA office as soon as possible, but preferably at least 72 hours in advance. For people requiring language interpretation services, including qualified ASL interpretation, please contact the LRAPA office as soon as possible, but preferably at least 5 business days in advance so that LRAPA can provide the most comprehensive interpretation services available. Please contact the LRAPA Nondiscrimination Coordinator at [accessibility@lrpa.org](mailto:accessibility@lrpa.org) or by calling the LRAPA office at 541-736-1056.*

*Nos esforzamos por proporcionar accesibilidad pública a los servicios, programas y actividades de LRAPA para personas con discapacidades. Las personas que necesiten adaptaciones especiales, como dispositivos de asistencia auditiva, formatos accesibles como letra grande, Braille, documentos electrónicos o cintas de audio, deben comunicarse con la oficina de LRAPA con al menos 72 horas de anticipación. Para las personas que requieren servicios de interpretación de idiomas, incluyendo la interpretación calificada de ASL, comuníquese con la oficina de LRAPA al menos con 5 días laborables de anticipación para que LRAPA pueda proporcionar los servicios de interpretación que sean lo más completos disponibles. Para todas las solicitudes, envíe un correo electrónico al Coordinador de Antidiscriminatoria de LRAPA a [accessibility@lrpa.org](mailto:accessibility@lrpa.org) o llame a la oficina de LRAPA al 541-736-1056.*



MINUTES  
LANE REGIONAL AIR PROTECTION AGENCY  
BOARD OF DIRECTORS MEETING  
THURSDAY NOVEMBER 9, 2023  
MEETING VIA ZOOM/ LRAPA BUILDING, SPRINGFIELD OREGON

ATTENDANCE

Board: Bryan Cutchen, Chair; Howard Saxion, Vice Chair; Mike Fleck; Matt Keating; David Loveall and Michael Johnston

Absent/Excused: Joe Pishioneri; Dylan Plummer and Jared Hensley

Staff: Susannah Sbragia; Travis Knudsen; Lance Giles; Colleen Wagstaff; Max Hueftle; Trinidad Cardenas; Jenilee Easter and Heather Gravelle

Others: Jim Daniels

1. Call to Order.

**Chair Bryan Cutchen** called the meeting of the Lane Regional Air Protection Agency (LRAPA) Board to order at 12:15 p.m.

2. Adjustments to Agenda.

There were no other adjustments to the agenda.

3. Public Participation.

A. Comments on an Item on Today's Agenda

No comments were made.

B. Comments on a Topic Not Included on Today's Agenda

No comments were made.

4. Comments From Board Members.

**Director Fleck** asked when the Request for Proposal (RFP) for hiring a recruiting firm to assist in the search for a new Director would be closed. **Ms. Sbragia** responded that it would close on November 22, 2023.

5. Consent Calendar.

A. Approval of Minutes from October 17, 2023, Board of Director's Meeting.

B. Approval of Expense Report July, August, and September 2023.

**MOTION: Director Fleck** moved, and **Director Saxion** seconded the approval of the Consent Calendar. **The motion passed unanimously.**

6. Citizen Advisory Committee.

Citizens Advisory Committee (CAC) Chair, **Jim Daniels**, provided the Board with an overview of the October CAC meeting, sharing that discussion had focused on how they could improve the committee interview process. **Mr. Daniels** added that the CAC annual report to the Board was due December 5, and he would send the draft to committee members to review prior to their next meeting.

7. Airmetrics Business Plan Update.

**Trinidad Cardenas**, Airmetrics Sales and Business Manager, and **Jenilee Easter**, Finance Manager, provided the Board with an Airmetrics business plan update. The update consisted of Airmetrics history; goals and keys to future success; product overview, uses and recent research; strengths, weaknesses and identified threats and, a financial review. Discussion followed.

**Ms. Sbragia** stated that, following **Mr. Cardenas'** resignation, they aimed to furnish the Board with sufficient information to make an informed decision regarding Airmetrics' future. She added that the Board packet included several options for them to consider. **Director Saxion** asked when **Mr. Cardenas** end date with Airmetrics would be, and he responded that his last day would be January 5, 2024.

**Director Saxion** inquired about the continuity of Airmetrics, and **Ms. Sbragia** replied that Lance Giles, IT Manager, would assist in managing Airmetrics upon Mr. Cardenas's exit and that they had received some applications from Express Temporary Service so they could keep manufacturing going while they wait for a decision from the Board.

**Chair Cutchen** clarified that staff had provided this presentation to update the Board on the status of Airmetrics and to prepare them for making a decision next month. **Director Saxion** stated that it would be helpful if further details could be provided on the options, such as the staffing levels necessary to keep Airmetrics running, as well as the associated costs.

**Director Saxion** added that he would also like to know what the market was like if someone was interested in acquiring Airmetrics. Further discussion followed and **Director Fleck** requested balance sheets from 2014 to present. **Chair Cutchen** recommended that the Board convene a work session to discuss the matter in greater detail. After consideration, the Board decided to hold the session during their regular December meeting, beginning at 11:45 a.m.

**Ms. Sbragia** then presented **Mr. Cardenas** with a plaque of appreciation for his 18 years of employment at LRAPA. The Board thanked **Mr. Cardenas** for his dedication, loyalty, and service to the citizens of Lane County.

8. Oakridge Air Project Status Update.

**Grace Kaplowitz**, Sustainability Consultant at Good Company, provided the Board with the following updates on the Oakridge Air Project: updated grant information; home heating upgrades; the community firewood program; education and outreach; the Oakridge air ambassador program; community meetings and events; the woodshed program with Oakridge High School and the University of Oregon research project. **Chair Cutchen** asked if Brocks, LLC would take on the Oakridge yard waste program. **Ms. Kaplowitz** confirmed they would, and they would handle some of the deliveries for the woodshed program as well. The Board thanked **Ms. Kaplowitz** for the updates.

9. Title 47 Outdoor Burning Rule Public Hearing Request.

**Mr. Knudsen** shared that in March of 2023 the City of Oakridge Administrator had contacted LRAPA regarding the city's new ordinance 308, which changed seasonal residential burning rules. He explained that to ensure consistency, updates to LRAPA Title 47 Outdoor Burning Rules were necessary. **Mr. Knudsen** explained that for unincorporated Lane County, and the cities of Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Veneta, and Westfir the outdoor burning season is January through June and, after the fire season was over, from October to December. The City of Lowell wanted to join the other cities and have that same burning window.

**Mr. Knudsen** explained that LRAPA had to determine if the change would have any impact on the airshed's compliance with the National Ambient Air Quality Standards (NAAQS). Following the assessment, LRAPA does not believe this change will affect Lane County's compliance with AAQS. He added that in addition, they had the daily outdoor burning advisory to ensure that the burning was done on appropriate days; the burn letter permitting program that provides a structured system to ensure that only appropriate materials are burned and preventing the burning of prohibited items and, the enforcement program ensures outdoor burning ceases on days with poor air quality or inadequate ventilation in order to protect the air quality.

**Mr. Knudsen** stated that if the Board authorized the public hearing, the timeline would be as follows: the public comment period when begin in December; the public hearing would be held at the January Board meeting; the rules would then be presented to Oregon Environmental Quality Commission (EQC) for review by February; the EQC would adopt the Title 47 changes into the State Implementation Plan (SIP) by May; the Changes in Oregon SIP

would be submitted to the Environmental Protection Agency (EPA) by the Oregon Department of Environmental Quality (DEQ) in June. The EPA would review the SIP revision for Clean Air Act compliance and adequacy in meeting NAAQS. Upon EPA approval, it would be published in the Federal Register, which formalizes and publicly announces the changes.

**Director Fleck** asked if the rule change was reverting to how it used to be and **Mr. Knudsen** responded yes, and as he understood it, they had changed it at some point to be more restrictive. **Lon Dragt**, Fire Chief, Lowell Rural Fire Protection District, stated that the previous ordinance wouldn't allow anyone who was living within city limits to burn after October. He explained that there could be people living next door to each other and one was designated county and could burn, and the other one was in city limits and couldn't.

**Chief Dragt** explained they also made the change for wildfire mitigation purposes, so they could burn the debris during the wetter season which would help to get rid of the material. He added that they had reduced the size of the piles that could be burned, which reduced the amount of smoke and any potential wildfire risk.

**Chair Cutchen** asked if residents had an alternative to burning, such as yard debris program and **Chief Dragt** responded no, they did not. **Director Keating** asked how many residents would be burning and **Chief Dragt** responded that it would be minimal because of the restrictions of 25-feet from a structure and fifteen-feet from a fence that limits the number of people allowed to burn. Brief discussion followed.

**MOTION: Director Fleck** moved, and **Director Loveall** seconded to authorize a public hearing on the proposed revisions to the LRAPA Title 47 Outdoor Burning Rules to held at the January 11, 2024 Board meeting. **The motion passed unanimously.**

#### 10. Director's Report.

**Ms. Sbragia** stated that she had revised the Director's Report so that it was more user-friendly. **Director Fleck** commented that he couldn't find the list of complaints and **Ms. Sbragia** indicated where they were located. She explained that, regarding the enforcement cases, she only listed the changes or the additions. **Director Saxion** asked if there was a status of backlog permits on the updated report. **Ms. Sbragia** responded that they were mostly caught up at this point and only had a few that weren't. She stated that she would add those that were still backlogged to the graph. The Board then discussed and decided to hold a work session regarding Board goals at the February meeting.

#### 11. Adjournment.

**Chair Cutchen** adjourned the Board meeting at 1:47 p.m.

*(Minutes recorded by Heather Gravelle)*

**LRAPA CITIZENS ADVISORY COMMITTEE  
(CAC) Meeting Minutes  
VIA ZOOM/In Person**



**LRAPA**  
Lane Regional Air Protection Agency

**October 31, 2023**

**Present:** Jim Daniels, Chair; Kelly Wood, Vice-Chair; Peter Dragovich; Evelina Davidova-Kamis; Paul Metzler; Chris Cline and Teresa Roark

**Absent:** Mysti Frost

**Staff:** Susannah Sbragia; Max Hueftle, Travis Knudsen and Heather Gravelle

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**I. Call to Order/Agenda Review.**

**Chair Jim Daniels** called the meeting to order at 12:00 p.m.

A discussion followed on the Title 47 Outdoor Burning proposed rulemaking. **Travis Knudsen**, Public Affairs Manager, provided details on the matter and stated that, in essence, the rulemaking would allow the City of Lowell to expand the window that they were allowed to burn. He added that they would still be subjected to the daily curtailment if the air quality or air stagnation was too great. **Mr. Knudsen** noted that the item would be on the November 9, 2023 Board agenda to request that it move forward to a public hearing.

**II. Public Participation.**

There was no public participation or public statements made.

**III. Board Meeting Overview.**

**Chair Daniels** provided members with an overview of the October 2023 Board of Directors meeting. **Susan Sbragia**, Interim Acting Director, shared details about the executive director's search and explained that the Board formed a subcommittee to create a Request for Proposal (RFP) to engage a recruiting firm for assistance. The RFPs were due by November 22, 2023. The Board will convene during their regularly scheduled meeting on December 14, 2023, to select candidates for further consideration.

**Chair Daniels** asked about the progress of the potential parking lot remodel and **Ms. Sbragia** responded that it had been approved by the Board and the landscaping company had been selected to begin the process. **Chair Daniels** then mentioned the Board's comment that there were not a lot of complaints and increasing public awareness of LRAPA. **Mr. Knudsen** stated that they wanted to ensure that Lane County citizens were aware of the services and resources that they provided and, if citizens encountered an issue, they would know who to contact.

**IV: Committee Interview Process.**

**Chair Daniels** noted that they received a committee application, but it lacked necessary information, so he had reached out to gather additional details. He stated that he had not heard back yet and was going to contact them again to determine if they were still interested.

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**Chair Daniels** indicated the possibility of revising the application questions and sought input from members on enhancing the application and interview process. **Vice-Chair Kelly Wood** noted that some people may be unaware of LRAPA and the CAC's role and emphasized the importance of providing those details upfront for prospective applicants. **Mr. Knudsen** suggested reviewing the application questions and the committee-related information available on the website. Additionally, he recommended linking to the CAC bylaws. **Vice-Chair Wood** commented that one question that could be asked is if they liked working in groups and if they were familiar with Robert Rules of Order.

**Ms. Rourk** questioned if prospective applicants were invited to attend meetings or engage in one-on-one discussions with the Chair or staff. In response, **Chair Daniels** clarified that while such invitations had not been extended in the past, it was an excellent suggestion. **Mr. Metzler** added that sending the applicant a link to one of the recorded Zoom meetings would be informative and beneficial as well. **Ms. Rourk** recommended that applicants receive any questions in advance of the interview so they can be better prepared.

After further discussion, **Mr. Knudsen** stated that staff would send members the application and questions for their review; members could then provide their feedback to staff who would prepare a summary of their responses prior to the next committee meeting.

#### **V: Round Table.**

- **Chair Daniels** explained that per CAC bylaws he was required to submit a summary of the committee's activities throughout the year to the LRAPA Director by December 1. He stated that he had reviewed the agendas for the year and noted that they had worked on the public survey, the Title 47 rule review, held a Greenhouse Gas Reduction Grant discussion and acquired a new Committee member. He stated that he would send out a draft of the summary to the members for their review and input. The Committee discussed items that they would like to see on upcoming agendas, including Cleaner Air Oregon and a review and summary of the public survey results.

Discussion followed regarding the last public survey and **Mr. Knudsen** stated that an option could be to reach out via email to the sources and ask them to provide a review of the past year. Discussion followed on when the next public survey would be sent. After further discussion, Mr. Knudsen suggested that the CAC could assist with developing a list of stakeholders to receive the survey, expanding the contact list to include the general public, elected officials, and environmental advocacy organizations. Committee members concurred.

- **Kelly Wood** – None.
- **Peter Dragovich** congratulated LRAPA for the recent EPA grant award.
- **Evelina Davidova-Kamis** – None.
- **Mysti Frost** – None.
- **Chris Cline** stated that he wanted to remind everyone that it was the end of fire season and landowners were beginning to do hazard abatement/disposal and that calls from residents could increase.
- **Paul Metzler** commented on the issue of RVs and trailers parked on the streets and abandoned. He then inquired about the proper disposal of these vehicles if asbestos was found. Mr. Knudsen responded that LRAPA considers asbestos regulations to be of utmost importance and that all rules and regulations must be followed. The discussion then turned to sampling procedures and guidelines.



- **Teresa Rourk** - None

## **VI. Adjournment**

**Chair Jim Daniels** adjourned the meeting at 1:00 p.m.

***Next Meeting November 28, 2023***

*(Minutes recorded by Heather Gravelle)*



# LRAPA

Lane Regional Air Protection Agency

Financial Update  
FY 2023-24  
October 2023

	Prior Yr. Actuals FY 22-23 October 2022	FY 23-24 October 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>General Fund</b>				
<b>Revenues</b>				
Federal & State Revenues	166,236	146,291	1,078,514	(932,223)
Local Dues	196,273	201,550	201,550	0
Permit Fees	1,142,975	1,117,793	1,260,739	(142,946)
Other Revenues	4,691	33,520	50,000	(16,480)
<b>Total Revenue Received</b>	<b>1,510,174</b>	<b>1,499,154</b>	<b>2,590,803</b>	<b>(1,091,649)</b>
<b>Expenditures ^</b>				
Personnel Services	534,111	586,943	1,761,213	33%
Materials & Services	211,910	209,862	743,870	28%
Capital Improvements	0	57,565	130,000	44%
<b>Total Expenditures</b>	<b>746,021</b>	<b>796,805</b>	<b>2,505,083</b>	
<b>General Fund Net</b>	<b>764,153</b>	<b>702,349</b>		
<b>Special Revenue (Title V)</b>				
	Prior Yr. Actuals FY 22-23 October 2022	FY 23-24 October 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Revenues</b>				
Permit Fees	424,246	594,144	515,417	78,730
Miscellaneous Revenue	0	0	0	0
<b>Total Revenue Received</b>	<b>424,246</b>	<b>594,144</b>	<b>515,417</b>	<b>78,730</b>
<b>Expenditures ^</b>				
Personnel Services	11,721	139,299	475,939	29%
Materials & Services	175,594	5,536	17,207	32%
Capital Outlay	0	0	0	0%
<b>Total Expenditures</b>	<b>187,314</b>	<b>144,835</b>	<b>493,146</b>	<b>29%</b>
<b>Special Revenue Net</b>	<b>236,932</b>	<b>449,309</b>		
<b>Grant Fund</b>				
	Prior Yr. Actuals FY 22-23 October 2022	FY 23-24 October 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Revenues</b>				
EAP Tag 1 &2	0	240,823	1,403,000	(1,162,200)
Miscellaneous Revenue	0	0	0	0
<b>Total Revenue Received</b>	<b>0</b>	<b>240,823</b>	<b>1,403,000</b>	<b>(1,162,200)</b>
<b>Expenditures ^</b>				
Personnel Services	17,778	15,385	75,616	20%
Materials & Services	284,421	286,786	1,327,384	22%
Capital Outlay	0	1,937	0	0%
<b>Total Expenditures</b>	<b>302,199</b>	<b>302,171</b>	<b>1,403,000</b>	<b>22%</b>
<b>Grant Fund Net</b>	<b>(302,199)</b>	<b>(61,348)</b>		

	Prior Yr. Actuals FY 22-23 October 2022	FY 23-24 October 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
<b>Enterprise Fund (AirMetrics)</b>				
<b>Revenues</b>				
Sales: Portable Samplers PM2.5	92,587	131,835	243,000	(111,200)
Sales: Portable Samplers PM10	0	3,596	100,000	(96,400)
Sales: Portable Samplers TSP	0	0	50,000	(50,000)
Sales: Portable Samplers APM	0	0	50,000	(50,000)
Sales: Accessories	36,072	38,321	103,000	(64,700)
Sampler Rental Income	700	0	6,300	(6,300)
Sampler Calibration Fee	870	1,050	8,050	(7,000)
Interest, Misc. & Freight	9,651	8,592	23,289	(14,700)
<b>Total Revenue Received</b>	<b>139,880</b>	<b>183,394</b>	<b>583,639</b>	<b>(400,245)</b>
<b>Expenditures ^</b>				
Personnel Services	48,130	48,551	160,870	30%
Materials & Services	93,283	155,134	397,269	39%
Capital Outlay	0	0	0	
<b>Total Expenditures</b>	<b>141,413</b>	<b>203,685</b>	<b>558,139</b>	<b>36%</b>
<b>Airmetrics Net</b>	<b>(1,532)</b>	<b>(20,291)</b>		
^ does not include Transfers & Contingencies				



**LANE REGIONAL AIR PROTECTION AGENCY  
MEMORANDUM**

**Date:** December 14, 2023

**To:** Bryan Cutchen, Chair, and LRAPA Board Members

**Department:** Administration

**From:** Susannah Sbragia

**Subject:** AirMetrics Changes

**STAFF REPORT**

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**ISSUE STATEMENT:**

Trinidad Cardenas has worked for our agency for 18 years and has done an excellent job as the sales and marketing manager for AirMetrics. The FTE to run this Enterprise Fund has been 1.0 with about a 0.3 FTE as financial support. Trinidad has announced he is leaving LRAPA. Due to many changes in the AirMetrics enterprise fund over the years and with ongoing change within LRAPA, staff have presented some options for the board to consider and then direct staff on the next steps for the enterprise.

**BACKGROUND:**

The status of AirMetrics as of December 5<sup>th</sup>:

- Revenue \$184,014.
- Expenses \$223,023.
- There are 12 more Samplers being assembled and will be completed by December 15<sup>th</sup>.
- There are potential open quote to assemble 16 additional Samplers.
  - The additional samplers would bring in around \$70,000 in gross revenue.
- AirMetrics has \$60,000 in inventory.
- AirMetrics has \$98,000 in open purchase order that will need to be paid.
- Warranties, limited to Batteries, have a likely liability of only \$5,000.

**GOING FORWARD:**

The board is faced with an opportunity to assess the next steps for AirMetrics. Staff research suggests the following options.

**Remain open and restructure the Enterprise Fund**

As the effects of the pandemic continue to decrease in overseas markets, sales of the MiniVol have begun to return to pre-pandemic conditions. In its current status, AirMetrics requires changes and restructuring in order to be successful and competitive. If the Board considers keeping AirMetrics operational, additional staff will be needed to adequately run the enterprise fund. In addition, with the majority of the sales occurring overseas, the fund will need strategies to build and maintain international business relationships.



### **Closing the Enterprise Fund**

Another consideration is to close the fund. Under this option, current enterprise funds—approximately \$1.2 million—would be transferred to LRAPA’s general fund. This would allow LRAPA to use those funds for other priority projects as they are unrestricted general fund dollars.

There are a few approaches to consider in closing AirMetrics. The assets could be sold to another entity who would be responsible for completing the one-year warranties of sold MiniVols. Alternatively, the Board may choose not to sell any assets and allow the hiring of a part-time employee to manage the duties and responsibilities of closing operations and finishing the final commitments MiniVols warranties.

The Management Team has unanimously suggested that AirMetrics to be closed within this current fiscal year. The Team feels that the Sampler has a limited future and that operations without Trinidad’s expertise would be detrimental. This would also allow the organization to use the funds to help support the building project and all the staff more time and energy, to focus on meeting the needs of the communities within Lane County.

### **MOTIONS OPTIONS:**

The Board can elect a few different options. Suggested options are listed below.

- Plan a work section to discuss in more detail.
- Choose to close The Enterprise Fund by selling the assets.
- Choose to close The Enterprise without selling the assets.
- Choose to keep The Enterprise open but change the model of options going forward.
- Choose something different.



## **LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM**

**To:** Bryan Cutchen, Chair and LRAPA Board Members

**From:** Jenilee Easter, Finance Manager

**Date:** December 14, 2023

**Subject:** LRAPA Remodel & Capital Project Funding

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### **ISSUE STATEMENT**

Lane Regional Air Protection Agency is looking to remodel their office at 1010 Main Street in Springfield, OR 97477. They have researched funding options and would like the board to approve the project and a funding method.

### **BACKGROUND INFORMATION**

Lane Regional Air Protection Agency had GMA Architects draw up a proposal to update 1010 Main Street in June of 2023. The proposal would update HVAC, plumbing, electrical, and would create a more efficient work environment at 1010 Main St. The estimate for construction runs between 987,000 and 1,070,000 for the project as a whole.

The organization has been seeking out funding options to bring to the board. Due to LRAPA being ORS 190, grants for capital expenditures are hard to locate. The organization reached out to all banks listed as having previous experience with CEF per Business Oregon and its current banking institution. The organization has received unofficial proposals from three institutions.

Due to being an ORS 190, LRAPA has limited access to government grants; However, LRAPA feels that it is in a good financial position currently:

- Cash is up 3% from this time in October 2022.
- Revenue is up 21%
- Expenses are up 5%

The organization feels that it may be able to offset costs caused by the current rate environment in order to complete this project- the current estimate is that LRAPA would deploy 30-50% of the financial reserves. Additionally, delaying the project could impact LRAPA's ability to move forward as non-residential construction costs are expected to rise 2-4% in the next calendar year. There is also the financial impact of LRAPA's increasing repairs cost- since 2019 the cost to maintain 1010 Main Street has increased 131%.

### **FINANCIAL PROPOSALS**

- Key Bank- Real Estate Loan at 9.5% for a term of 10 years.
- Bank of the Pacific- Real Estate Loan between 7-7.25% for a term of 10 years.

LRAPA Remodel & Capital Funding Project.

- Oregon Pacific Bank- Real Estate Loan between 7-7.75% for a term of 25 years.
- Oregon Pacific Bank- Line of Credit between 7-7.75%

### **OPTIONS FOR CONSIDERATION**

The LRAPA management team believes that the construction project would be a boon to the organization and would like to move forward.

The organization believes that a line of credit would be an optimal choice for LRAPA. The line of credit offers several advantages. It:

- Allows LRAPA to strategically deploy outside funds to delay interest accrual.
- Gives LRAPA time to look for alternative (non-debt) sources to minimize debt.
- Provides delayed outgoing expense that would allow a large upfront payment- again, minimizing long-term interest expense.
- LRAPA could keep the line of credit, post project, as a potential safety net if future inflows are mismatched against outflows.

### **MOTION 1**

To approve moving forward with the building project.

### **MOTION 2**

To approve LRAPA moving forward with the line of credit.



## **LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM**

**Date:** December 14, 2023

**To:** Bryan Cutchen, Chair and LRAPA Board Members

**Department:** Administration

**From:** Susannah Sbragia

**Subject:** Update Employee Handbook

### **STAFF REPORT**

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#### **ISSUE STATEMENT:**

LRAPA Employee Handbook was last reviewed and updated in 2013 and then in 2022 the payroll processes parts of the employee handbook were updated. The current policies do not reflect payroll law changes from 2022 and the implications of Paid Leave Oregon.

#### **BACKGROUND:**

The last major adoption to the LRAPA Employee Handbook was in 2013. There was a small update to the handbook in 2022. These changes were to align with the new financial software systems that was implemented in July 2023. The current policies are not consistent with the procedures being offered by the new financial system.

#### **GOING FORWARD:**

As part of the Director's goals, LRAPA is currently reviewing its policies and working through proposed updates due to legal and procedural needs. The updates to the employee handbook in 2022 were incomplete and the changes in v2023 bring LRAPA in compliance with state and federal law updates for employee labor laws. Additional changes that were also made included updating employee policies to align with equities and removes language that is no longer in compliance with state and federal law.

The changes and the pages numbers are listed below:

#### **LRAPA Employee Handbook edit items 12-2023**

List of updates, edits and removal of policy language to the LRAPA Employee Handbook in summary.

Page 9	Updated Employee Assistance Program name change
Page 17	Accrued Comp Time – Removed Pay Out and updated Process
Page 19	Payroll Policies – Alignment with Pay Equity Law, add semi-monthly pay periods
Page 19	Payroll Policies-Merit increases changed to one step and grandfather current staff remain with old policy.
Page 20	Promoted employees – removed reclass – transfers process review-removal and update verbiage
Page 20-23	Personnel Files – removed “employees are required to pay applicable copying charges.”





	Attendance, PTO, Leaves of Absences removed "Excessive absenteeism or tardiness...result in discipline or discharge."
	No call no show 2 <sup>nd</sup> offense – recommend language, "will be treated as job abandonment and voluntary resignation of employment..."
Page 22	Vacation accrual chart updated to reflect the change from PTO to vacation and sick leave as separate. Vacation can be paid out at resignation – sick leave balance are not paid out.
Page 19 & 21	Salary Administration: Starting salary; salary adjustments; merit/longevity; promotion updated verbiage – changed.
Page 23	Removal of "an employee must contact his/her supervisor daily while on sick leave..."
Page 25	Holidays, correction to date for Juneteenth – June 20 <sup>th</sup> changed to June 19 <sup>th</sup>
Page 25-27	OFLA Leave calendar going forward change due to Paid Leave Oregon
Page 31	Paid Leave Oregon Policy <b>*ADD* per State Law</b>
Page 31-32	Job protection pay verbiage updated
Page 30	Domestic Violence Leave = added: May be eligible for Paid Leave Oregon.
Page 51	Inclement weather policy added to this updated version of the Handbook.
Page 52	Driving while on business – updated verbiage to reflect current practice.
Page 54	Removed Layoff & Repayment of Severance upon recall.
Page 56	Removed language: "The value of any items not returned will be deducted from-the final paycheck." State of OR prohibits this practice.
Page 56	Removed grievance policy and process and reduction if force.
Page 56	Removed severance pay for layoff verbiage.

Other edits were made for spelling and punctuation corrections only.

#### **STAFF RECOMMENDATION:**

To approve Employee Handbook version v2023



**LRAPA**

Lane Regional Air Protection Agency

# **Employee Handbook**

**v 23-2**

**Effective DATE TBD-HRA Review**

## **ABOUT THE AGENCY**

The Lane Regional Air Protection Agency (LRAPA) is a local government agency whose purpose is to protect and maintain the air quality in Lane County (Cities of Cottage Grove, Eugene, Oakridge, and Springfield, and Lane County) in a way that is environmentally sound and consistent with the economic and industrial well-being of the area. It is the only local agency of its kind in Oregon.

LRAPA is governed by a Board of Directors composed of appointees from each of the participating local entities and at-large members. The Board appoints a Director to implement the policies, rules and regulations adopted by the Board. The Director, in turn, employs a technical and professional staff to conduct the work of the Agency.

This employee handbook describes LRAPA's working conditions, employee benefits, policies, and responsibilities affecting your employment. LRAPA strives to provide a work environment that is conducive to both personal and professional growth. Since understanding the information in this handbook is important to employees' success, all employees will be asked to read the handbook, then sign, and submit the acknowledgment form found at the back of this handbook to Human Resources. The signed form will be kept in each employee's personnel file.

It is important to note that an employee handbook cannot anticipate every employment circumstance or policy question. This handbook is intended to serve as a guideline for LRAPA employees regarding LRAPA's rules, policies, procedures, and expectations and is reviewed and updated as needed to ensure currency. Employees will be notified of policy, benefits, or any other changes to these policies as changes occur. LRAPA reserves the right at any time, with or without prior notice, to amend, modify, delete, revise, or rescind this handbook or any portion of it to the extent allowed by law.

Employees who have questions regarding the interpretation of any policy or benefit contained in this handbook should contact their supervisor. This handbook supersedes all other policies, procedures, instructions, practices, or rules which are inconsistent with those contained herein. This handbook is not intended and does not constitute a contract with any employee. It does not guarantee any particular or minimum length of employment, procedure, or other condition of employment.

## FROM THE DIRECTOR

Welcome to Lane Regional Air Protection Agency (LRAPA), we are glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with LRAPA, you will become a productive and successful member of LRAPA's team.

This employee handbook describes, in summary, laws, policies, and procedures that govern the employment relationship between LRAPA and its employees. The policies and procedures stated in this handbook are subject to change at any time at the sole discretion of LRAPA's management with or without prior notice. Updates to policies and procedures will be communicated to you through official numbered memos or direct communication for your supervisor.

This handbook supersedes any prior handbooks or written policies of LRAPA that are inconsistent with its provisions. As stated above, you may receive updated information concerning updates to this handbook. Updated information should be printed and kept with your copy of the handbook.

If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please contact Human Resources.

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## **EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICIES**

The following EEO Policies apply to all employees. Failure to follow the EEO Policies may result in discipline, up to and including termination. All employees are encouraged to discuss these EEO Policies with their supervisor if they have questions relating to the issues of harassment, discrimination, or bullying, or what it means to work in a respectful workplace.

### **No-Discrimination, No-Retaliation Policy**

LRAPA provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. LRAPA recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other LRAPA policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles, defined as "hairstyle, hair color or manner of wearing hair, including braids regardless of whether the braids are created with extensions or styled with adornments, locs, and twists".

LRAPA's commitment to equal opportunity applies to all aspects of the employment relationship including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

### **Statement Regarding Pay Equity**

LRAPA supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which LRAPA pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with their supervisor.

### **No-Harassment Policy**

LRAPA prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, LRAPA prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information,

veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during LRAPA related or sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of LRAPA's employees. Such harassment is prohibited whether committed by LRAPA employees or by non-employees including elected officials, members of the community, volunteers, interns, and vendors.

### **Sexual Harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature regardless of whether such conduct is "welcome", when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex. This is not a complete list.

### **Other Forms of Prohibited Harassment**

This policy prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

This policy also prohibits harassment such as verbal, written, or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on LRAPA property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional conduct.

### **Complaint Procedure**

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of their supervisor, Human Resources, or the Director as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses' harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

### **Investigation and Confidentiality**

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with LRAPA's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, LRAPA will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use LRAPA's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although LRAPA cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination

claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against LRAPA, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

### **Protection Against Retaliation**

LRAPA prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to their supervisor, Human Resources, or the Executive Director. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See a/so the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

### **Other Resources Available to Employees**

LRAPA provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in LRAPA's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [canopywell.com](http://canopywell.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

LRAPA cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

### **Other Employee Rights**

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

LRAPA is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires LRAPA to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with LRAPA regarding their experience and/or employment status, the employee should contact their supervisor. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If LRAPA and the

employee do reach an agreement, LRAPA will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about LRAPA or making comments that would lower LRAPA in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that LRAPA and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

### **No-Bullying Policy**

LRAPA strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. LRAPA, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

***NOTE: This is not an all-inclusive list.***

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor, Human Resources, or the Director as soon as possible. If conduct in violation of this policy is found to have occurred LRAPA will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.



## **Disability Accommodation Policy**

LRAPA is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

### **Accommodations**

LRAPA will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operations of LRAPA.

### **Requesting an Accommodation**

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the agency and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by LRAPA, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made in writing with the employee's supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation. Both LRAPA and employee must monitor the employee's accommodation situation and consider adjustments as needed.

## **Pregnancy Accommodation Policy**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact their supervisor to discuss options for continuing to work and, if necessary, leave of absence options. LRAPA will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on LRAPA's operations.

### **Requesting a Pregnancy-Related Accommodation**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made in writing with the supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist LRAPA and the employee find an

effective accommodation, or to verify the employee's need for an accommodation. Both LRAPA and employee must monitor the employee's accommodation situation and make adjustments as needed.

### **No Discrimination, No Retaliation**

LRAPA prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by LRAPA; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee does not have a known limitation. Under Oregon law, an employer cannot require an employee to use sick leave under the Oregon Family Leave Act if a reasonable accommodation can be made that does not impose an undue hardship on the operations of LRAPA. Also, no employee will be denied employment opportunities if the denial is based on the need of LRAPA to make reasonable accommodations under this policy.

### **Leave of Absence Options for Pregnant Employees**

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law and the Oregon Family Leave Act. For more information, contact your supervisor or Human Resources.

### **Reporting Improper or Unlawful Conduct — No Retaliation**

Employees may report concerns about LRAPA's compliance with any law, regulation, or policy, using one of the methods identified in this policy. LRAPA will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules, or regulations by LRAPA;
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of LRAPA or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, LRAPA will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

## **Employee Reporting Options**

Employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with Human Resources, or the Director. Further, supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If LRAPA were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

## **Additional Protection for Reporting Employees**

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of LRAPA's violation of law will have an affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure just have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager or supervisor with LRAPA; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

## **Policy Against Retaliation**

LRAPA will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by LRAPA policy).

In addition, LRAPA prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no LRAPA employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. LRAPA may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if LRAPA determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.



## CLASSIFICATION AND COMPENSATION

### RECRUITMENT AND PROMOTION

~~LRAPA employees are competitively recruited based on the knowledge, skills, and abilities necessary to the duties of the position. Except for the director position and at the discretion of the Director, LRAPA may advertise available positions internally or externally (or both) or may appoint or promote from within. If a vacant position, except for the director position, is posted internally and externally, LRAPA will give preference to current LRAPA employees when considering applicants with relatively equal qualifications. Except for the director position, LRAPA's policy is to fill job vacancies by promotion from within the organization whenever appropriate.~~

#### **Trial Service Period of Employment**

All new employees are hired into a trial service period for 6 months. During this period, you the employee is considered to be in training, and under observation and evaluation by the supervisor. During this time, the employee can expect ongoing evaluations of adjusting to work tasks, conduct, work rules, attendance and job responsibilities will be discussed during 1:1 meetings with the supervisor. This period gives the employee an opportunity to demonstrate satisfactory performance for the position, as well as provides an opportunity to determine if knowledge, skills and abilities, and the requirements of the position match. It is also an opportunity for the employee to decide if LRAPA meets their expectations of an employer.

During or before the end of the trial service period, a decision about employment status will be made. LRAPA will decide whether to: (1) extend the trial service period up to an additional 6 months; (2) move the employee to regular, full-time, or regular, part-time status; or (3) terminate employment.

Employees are not guaranteed any length of employment upon hire, both the employee and/or LRAPA may terminate the employment relationship during the trial service period for any lawful reason. Further, completion of the trial service period or continuation of employment after the trial service period does not entitle the employee to remain employed by LRAPA for any definite time. Both, the employee and LRAPA are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

#### **Employee Classifications**

LRAPA classifies employees as follows:

1. **Regular Full-time**: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in LRAPA's benefit programs.

2. **Benefited Regular Part-time:** Employment requiring 20 hours per week but less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in LRAPA's benefit programs. Benefits and costs will be adjusted based on average working hours.
3. **Non-benefited Part-time:** Employment requiring less than 20 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in benefit status. Non-benefited, part-time employees working 20 hours or less per week are not eligible for benefits except those mandated by applicable law, such as Oregon's Sick Leave Policy.
4. **Temporary:** Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

## **Exempt and Non-Exempt Employees**

Under the Fair Labor Standards Act (FLSA), all employees are defined by federal as either "exempt" or "non-exempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs.

### **Exempt**

Management, supervisory, professional, and administrative employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable Oregon law and who are exempt from minimum wage and overtime pay requirements.

### **Non-Exempt**

Employees whose positions are not exempt from minimum wage overtime pay requirements because their positions do not meet the exemption criteria under the FLSA and Oregon law and who are paid one and one-half times their regular rate of pay for overtime hours worked, as required by federal and/or Oregon laws.

## **Established Working Hours**

LRAPA has established regular working hours to promote a productive work environment that best serves our citizens. Established office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Only the Executive Director has the right to limit public hours or close the office within this timeframe.

As defined by FLSA, the established work week begins on Sunday at 12:00 am and ends on Saturday at 11:59 pm of each week.

The supervisor schedules specific work hours for individual employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the supervisor with approval from the Executive Director. Management reserves the right to modify schedules consistent with the needs of the Agency.

## **Meal Periods and Rest Breaks**

Under FLSA, non-exempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Additionally, non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours.

If, because of the nature or circumstances of the work, a non-exempt employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor. This time is considered working time under FLSA and is compensable.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

See BOLI website for more information:

<https://www.oregon.gov/boli/workers/pages/meals-and-breaks.aspx>

## **Rest Breaks for Expression of Breast Milk**

LRAPA will provide reasonable rest periods to accommodate an employee who needs to express milk for child(ren) eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt under FLSA, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

LRAPA will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time LRAPA is required to provide as paid rest breaks and/or meal periods under applicable personnel rules. If an employee takes unpaid rest breaks, LRAPA may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. LRAPA will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

LRAPA will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, LRAPA will identify a private location. The travel time to and from the private location will not be counted as a part of the employee's break period.

### **Notice to Express Milk**

An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable written notice of the intention to do so in order to allow LRAPA time to make any preparations necessary for compliance with this rule.

### **Storage of Expressed Milk**

Employees are responsible for storing expressed milk. Employees may bring a clearly labeled food container for storing the expressed milk.

## **Overtime**

### **Time-and-a-Half**

For non-exempt employees. LRAPA pays one and one-half times the employee's hourly rate for all hours worked in excess of 40 hours worked within the defined work week.

Non-working paid or unpaid hours such as (but not limited to) sick, vacation, holidays, leave without pay, or office closures will not be counted toward the 40 hours required to receive overtime pay.

All overtime must be preapproved by the supervisor. No overtime may be worked by non-exempt employees unless specifically authorized **in writing** by a supervisor or manager.

Employees who work unauthorized overtime may be subject to discipline up to and including termination.

f. Employees are encouraged to work with their supervisor to schedule and use comp time within 60 days of when it is accrued.

~~If funds are available at the end of each fiscal year, employees may request to cash out up to 40 hours of accrued comp time at the employee's current regular rate of pay. Requests will be accepted via email to the Finance Human Resources Director by May 1<sup>st</sup> prior to the processing of the last payroll of each the fiscal year. Requests will be considered on a first come, first serve basis. Available funds may be less than total requests. In this case, the LRAPA reserves the right to limit the number of hours paid off per request. Upon termination of employment with LRAPA, any remaining comp time will be paid at the employee's current regular rate of pay.~~

### **Leave Without Pay**

A regular full-time or part-time employee may apply to the ~~Director~~ Human Resources for a leave without pay. The request must be in writing and must explain the reason(s) for and duration of the requested leave. Except as otherwise required by law, the Director has sole discretion whether to grant or deny a request for leave without pay.

### **Timekeeping Requirements**

All employees must accurately record time worked and use of accruals on an agency approved timesheet for payroll purposes. Non-exempt employees are required to record detailed daily time records. Exempt employees are allowed to report summary level time worked and time off. However, the automated payroll system and/or agency need (long term or short term) may require exempt employees to provide additional details of time worked and time off. Exempt employees are required to discuss needs with the supervisor.

Other than the supervisor, director, or finance director, filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record time accurately may be subjected to discipline up to and including termination.

### **Employee-Incurred Expenses and Reimbursements**

LRAPA will pay actual and reasonable business-related expenses incurred in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor before expenses are incurred. For mileage, LRAPA will not reimburse mileage if the employee is offered a LRAPA vehicle and the employee chooses to drive their own vehicle. Further, if the employee chooses to drive their own vehicle, the driver's insurance will be considered in first position and LRAPA's insurance in second position if an accident occurs.

LRAPA will not pay for or reimburse the costs incurred by a travel companion who accompanies the employee on LRAPA-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (detailed receipts) within one month of the expense being incurred or the employee may forfeit the payment or reimbursement.

Some examples of actual and reasonable business-related expenses that LRAPA will reimburse/pay for are:

- Conferences or Workshops
- Professional Licensing
- Education
- Parking

Authorized meals (per diem) and mileage will be reimbursed at the current Internal Revenue Rate (IRS) for location.

Hotels will be reimbursed based on the reasonable amount outlined by the IRS based on location.

Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by LRAPA.

### **Payroll Policies**

All full-time and benefited part-time employees are paid on a semi-monthly basis, with paydays being the 15<sup>th</sup> of the month and the last working day of the month or if the payday falls on a weekend the payday is the last Friday of the month before the 15<sup>th</sup> of each month. ~~Full-time employees are eligible to draw 35% of gross earnings on the 15<sup>th</sup> or the Friday before the 15<sup>th</sup> of each month.~~

Non-benefited, part-time employees are paid on a monthly basis, with payday being the 15<sup>th</sup> or the Friday before the 15<sup>th</sup> of each month.

Net pay will be directly deposited into the employee's bank account.

***~~NOTE: Due to a new financial system expected to go live in 2023, this payroll policy will be updated to align with the new system.~~***

## Salary Administration

### Starting Salary

New employees are generally placed at the first step of the pay range for the classification they have been hired into. With Director approval, the supervisor may offer a starting salary above the first step based on qualifications or market considerations. In alignment with Oregon Pay Equity Law. Employees are eligible for a two-step merit increase at the successful completion of the successful trial service period (6 months from date of hire). Current salary ranges for the Agency have 17 pay steps. This policy is at the discretion of LRAPA and state and federal gridlines. Employees may be awarded merit and longevity step increases based on the below information throughout their career at LRAPA. Longevity pay after 5 full years of service begins.

### Salary Adjustment Based on Merit and Longevity

Employees are eligible for a one two step merit increase at the successful completion of the trial service period and, Thereafter, one step annually will be applied on the employee's anniversary date until the employee reaches the top step of the range with successfully evaluations. The supervisorsupervisor, with approval of the Director, may award an employee an additional one-step merit increase, annually, for above average performance. In alignment with Oregon Pay Equity Law. The Director may award an additional one step per year for superior performance. In Employees whose salaries reach the top step of the related pay scale are not eligible for further increases.

EmployeeThis policy is grandfathered and only applies to employees hired prior to January 2024.

Then copy the old policy.

### Salary Adjustment Based Longevity

An employee is eligible for !Additionally, employees are eligible to earn a one-step longevity increase per year of service on their hire date so a long as the ending step is not above step 13 of the salary range. Steps 14-17 of any given salary range are reserved for merit increases only.

longevity pay of a monthly amount of \$250.00, once an employee reaches the top step of the salary range 17.

### Promoted Employees

If a regular employee is promoted into a position with a higher salary-pay range, the employee will be place in the new pay range, in a new step, with at least a 5% increase. salary will be the lowest step on the new range which represents a salary increase of at least one step for the employee. The promoted employee will serve a probationary period (at least 6 months) in the new position, and the employee's merit review date will become the date the employee completes probation and moves to regular employee status.



An employee on probation following promotion to a new position may return to the former classification or equivalent at the employee's former pay step if the agency deems the employee is unable to satisfactorily perform the higher-level job.

### **Reclassification of Positions**

LRAPA maintains a position classification plan that sets forth the title, classification, and salary range for all Agency positions. The Director may reclassify a position upward or downward to an appropriate salary range when warranted by a change in duties, a change in comparable pay in the market, or the level of responsibilities assigned to a position.

If an employee's position is reclassified downward, the employee's salary will not be reduced. However, the employee will not be eligible for longevity or merit increases until the top step of the classification catches up to the employee's actual salary.

If an employee's position is reclassified upward, the Director, in their discretion, may transfer the employee to the reclassified position if the employee has a satisfactory work record and meets the minimum qualifications of the reclassified position without recruiting for the position. The employee's salary will be adjusted to the lowest step in the new pay range which represents at least a one-step increase in salary for the employee. The employee will not be required to serve a probationary period in the new position and their review date will not change.

### **Transfers**

The Director may transfer employees laterally from one position or classification to another position or classification in the same salary range in order to meet program needs of the Agency.

### **Statement Regarding Pay Practices**

LRAPA makes all efforts to comply with applicable state and federal wage and hour laws. In the event the employee believes that LRAPA has made an improper deduction, has failed to pay for all hours worked or for overtime, has failed to pay in accordance with the law, or has failed to properly calculate wages in any way, the employee must immediately report the error to the supervisor. LRAPA will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding LRAPA's pay practices.

### **Reporting Changes to an Employee's Personal Data**

Because personnel records are used to administer pay, benefits, and other employment decisions, employees are responsible for keeping information current regarding changes

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in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current is important. For changes in any of the following items, please notify Human Resources to ensure that the proper updates are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address
- Mailing Address
- Telephone number;
- Dependents;
- Person and phone number to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding

Employees may not intentionally withhold information from LRAPA about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, LRAPA may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

### **Performance Reviews**

All LRAPA employees will receive ~~annual~~periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, pay increases, job assignments, employee development, promotions, retention, and discipline/termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action up to and including termination.

LRAPA's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion. After this trial service evaluation, LRAPA will strive to provide a formal performance review on an annual basis on the employee's anniversary date.

~~Reviews will generally include the following:~~

- ~~• An evaluation of the employee's quality, quantity, and timeliness of work~~
- ~~• A review of exceptional employee accomplishments~~
- ~~• Establishment of goals for career development and job enrichment~~
- ~~• A review of areas needing improvement~~
- ~~• Setting of performance goals for the employee for the following year~~
- ~~• A pre-evaluation form completed by the employee~~

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement to their supervisor. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received. Supervisors and managers are encouraged to provide

employees with informal evaluations on an as-needed basis, such as during scheduled 1:1 meetings.

### **Personnel Files**

LRAPA maintains a personnel file for each employee. The personnel file includes those personnel records of the employee which are used or have been used to determine the employee's qualification for employment, promotion, ~~additional—~~ compensation, employment termination or other disciplinary action, such as the employee's job application, resume, training records, performance appraisals, salary increases, and other employment records.

Access to personnel files is restricted to those with a business need for the information, except as otherwise required by law. All employees have access to their own personnel file to the extent allowed by law. An employee may request access to his/her personnel file from his/her supervisor. With reasonable advance notice, an employee may view his/her personnel file at a mutually convenient time in the presence of human resources a manager or supervisor. Upon request, an employee will be provided with a copy of his/her personnel file, or any requested portion of the file. ~~Employees are required to pay applicable copying charges.;~~ Copies will be provided as soon as reasonably possible and in accordance with the requirements of Oregon law.

An employee's medical information and any workers' compensation files will be kept separately from the employee's personnel file and will be maintained in locked storage with access limited to authorized personnel.

## **ATTENDANCE, TIME OFF (VACATION), HOLIDAYS, AND LEAVES OF ABSENCES**

### **Attendance, Punctuality and Reporting Absences**

Employees are expected to report to work as scheduled, on time, and prepared to start work as well as expected to remain at work for their entire scheduled work hours, except for paid break periods or when on authorized LRAPA business, and to perform the work assigned to or requested of them. Tardiness and absences are disruptive and place an undue hardship on co-workers and supervisors. Employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via phone or text message prior to the beginning of the shift. ~~Excessive absenteeism or tardiness (whether excused or not) may result in discipline or discharge.~~

Not reporting to work and not reporting an absence is considered a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. ~~The second separate offense, The second separate offense will be treated as job abandonment and voluntary resignation of employee and may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and will result in termination of employment. LRAPA will take each instance of no call/no show as a serious matter, and will discuss any emergency situation and take that into consideration in the application of this policy.~~

### **Personal Time off (PTOVACATION)- Vacation and Sick Leave Combined**

Vacation is intended to provide time away from work for rest and recreation. However, the Agency understands that there may be times when an employee needs to receive a portion of the vacation, as a cash benefit in addition to their regular pay. Cash buyout is limited to 50% of the vacation balance, with a maximum of 80 hours of vacation buyout per fiscal year. The LRAPA Director may approve a one-time cash payout per fiscal year.

LRAPA provides full-time employees with a combined Paid Time Off (PTOVACATIONVACATION) vacation accrual on a pay period basis. PTOVACATION consists of two parts, 8 hours monthly for sick leave and a vacation accrual based on the below table. Benefitted part-time employees accrue a pro-rated amount. Non-benefitted, part-time employees accrue sick time based on Oregon's Sick Leave Law.

NOTE: Accruals cannot be used until earned. "Earned" means available hours are posted to the employee's account and shown on the pay advice.

**Accrual Chart:** For full-time employees, PTOVACATION- vacation accrues as follows:

#### **Years of Service**

#### **Vacation Accrual Rate**

1 <sup>st</sup> through 5 <sup>th</sup> year	<u>17-9</u> hrs. monthly ( <del>8 Sick, 9 Vac</del> )
6 <sup>th</sup> through 10 <sup>th</sup> year	<u>19-11</u> hrs. monthly ( <del>8 Sick, 11 Vac</del> )
11 <sup>th</sup> through 15 <sup>th</sup> year	<u>21-13</u> hrs. monthly ( <del>8 Sick, 13 Vac</del> )
16 <sup>th</sup> through 20 <sup>th</sup> year	<u>22-14</u> hrs. monthly ( <del>8 Sick, 14 Vac</del> )
21 <sup>st</sup> through 25 <sup>th</sup> year	<u>24-16</u> hrs. monthly ( <del>8 Sick, 16 Vac</del> )
26 <sup>th</sup> and beyond	<u>26-18</u> hrs. monthly ( <del>8 Sick, 18 Vac</del> )

#### **PTO-Vacation Maximum Accumulation**

Full-time regular employees accrue vacation leave to a maximum of 1,000-800 hours. Benefitted ~~p~~Part-time employees earn vacation based on percentage of hours worked as compared to the 40-hour work week pro-rated. Upon separation of employment, employees who have completed 12 months of employment will be paid unused vacation accrual up to the maximum payout of 280-280 hours, listed on the accrual chart. ~~There is no payout for hours associated with unused sick leave.~~

#### **VACATION (Vacation Buyout)**

Vacation is intended to provide time away from work for rest and recreation. However, the Agency understands that there may be times when an employee needs to receive a portion of the vacation, as a cash benefit in addition to their regular pay. ~~At the end of the fiscal year, the~~ LRAPA Director may approve a one-time cash payout request, for up to 80-40 vacation hours related to vacation. The request must be submitted only once per fiscal year, no request will be accepted after April 1st. ApprovalApprovals based on budgets availability and as long as the employee has a remaining balance of 40 hours. LRAPA will only allow these cash payouts if: (1) ~~the employee has a minimum of 600 hours of total VACATION, at the time of the request;~~ (2) ~~the employee took a minimum of 80 hours of vacation time off in the previous year;~~ and (3) ~~the employee has a minimum of 80 vacation hours remaining after the cash out.~~ Requests will be considered on a first come, first serve basis. Available funds may be less than total requests. In

this case, the LRAPA reserves the right to limit the number of hours paid off per request. Upon termination of employment with LRAPA, any remaining comp time will be paid at the employee's current regular rate of pay.

## **Sick Leave**

LRAPA provides eligible full time employees with up to 8 hours per month of (part-time employees will accrue on a pro-rated basis per hours worked) paid sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law. Employees with questions about this policy may contact his/her supervisor or Human Resources. Please also refer to the Oregon Sick Leave Law poster that is posted in the common break/kitchen area and is incorporated here by reference. There is no payout for hours associated with unused sick leave.

## **Eligibility and Accrual of Paid Sick Leave**

As part of the sick leave discussed above, LRAPA ensures employees accrue the required sick hours as designed under Oregon's Paid Sick Leave Law. Under this law, "employee" includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees. Sick leave runs concurrently with LRAPA's accrual usage, Oregon Family Medical Leave, and any other leave allowed by law.

Under Oregon's Paid Sick Leave Law, employees may accrue and use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. For full-time employees, LRAPA provides 8 hours of sick leave monthly. Sick leave accrues per pay period. Part-time employees accrue a proportionate amount based on hours worked but not below the amount required by this law. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached.

When used, paid sick leave will be paid at the employee's current regular rate of pay. Exempt employees are presumed to work 40 hours in each work week for purposes of sick leave accrual and payment for use.

## **Use of Sick Leave**

Sick leave may be used for any of the following reasons:

1. For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
  - "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological

child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* (acting as a parent) relationship.

2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

### **Employee Notice of Need for Sick Leave**

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify supervisor as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of LRAPA. Employees must notify his/her supervisor of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify the supervisor as soon as practicable and comply generally with LRAPA's call-in procedures.

~~An employee must contact his/her supervisor daily while on sick leave, unless leave unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave.~~ The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, LRAPA may deny the use and legal protections of sick leave.

### **Sick Leave Documentation**

If an employee takes more than three consecutive scheduled workdays as sick leave, LRAPA may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.

### **Sick Leave Abuse**

If LRAPA suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations, and paydays, LRAPA may require documentation from a healthcare provider.

~~Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.~~

## Holidays and ~~Floating Holiday~~Personal days

LRAPA recognizes eleven (11) holidays each year. All full-time employees will receive their current, regular rate of pay for each holiday. Benefitted part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week.

### Paid Holidays:

1.	New Year's Day	January 1st
2.	Martin Luther King Day	3rd Monday in January
3.	Presidents' Day	3rd Monday in February
4.	Memorial Day	Last Monday in May
5.	Juneteenth	June <del>1920</del> <sup>th</sup>
6.	Independence Day	July 4th
7.	Labor Day	First Monday in September
8.	Veteran's Day	November 11th
9.	Thanksgiving Day	Fourth Thursday in November
10.	Day after Thanksgiving	Friday after Thanksgiving
11.	Christmas Day	December 25th

If the holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday that falls on Sunday, the holiday will be observed on the following Monday.

To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved leave or any other excused absence under LRAPA policy.

Any non-exempt employee required to work on a holiday will receive time and one-half payment for hours worked.

### ~~Floating Holiday~~Personal days

Employees may select 3 (24 hrs.) ~~floating holiday~~personal days days off with pay during a fiscal year. Benefitted ~~Part~~part-time employees are eligible for 1.5 (12 hrs.) annual ~~floating holiday~~personal days. Employees who begin employment after the beginning of the fiscal year will receive a pro-rated number of ~~floating holiday~~personal days. ~~Floating holiday~~Personal days hours will be awarded on the first day of the pay period that includes July 1 of each fiscal year and must be used or forfeited by the end of the pay period that includes June 30 of the same fiscal year. Employees must coordinate requests to use ~~floating holiday~~personal days with their supervisor; ~~floating holidays will be taken in full day increments only~~. Approval for use of ~~floating holiday~~personal days is dependent on



staffing needs. ~~Floating holiday~~Personal days ~~can be used in 1-hour increments.~~  
~~Floating holiday~~Personal days are considered use it or lose it time. There is no allowance for ~~cash out~~buy out or payment of unused ~~floating holiday~~personal days hours.

## **Family Medical Leave**

### **Oregon Family Leave Act (OFLA) Leave Policy**

The following is a summary of Family and Medical Leave policy and procedures under the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Oregon law prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, ~~requested~~requested or used OFLA Leave. In all cases, applicable Oregon laws, rules, ~~policies~~policies, and collective bargaining agreements govern the employee's and LRAPA's rights and obligations, not this policy. Due to not employing at least 50 employees, LRAPA does not have any "eligible employees" for purposes of the federal Family Medical Leave Act (FMLA).

Employees seeking further information should contact his/her supervisor or Human Resources. Please also refer to the "Oregon Family Leave Act" notice posted in the break/kitchen area, which is incorporated here by reference.

### **Definitions**

#### **Family Member**

"Family member" is defined as a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or "child" (see definition below). The definition of a family member under OFLA has expanded effective September 3, 2023. Under SB 999 (2023), a family member includes:

- A spouse or domestic partner;
- A child of a covered individual or the child's spouse or domestic partner;
- A parent of a covered individual or the parent's spouse or domestic partner;
- A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner;
- A grandparent of a covered individual or the grandparent's spouse or domestic partner;
- A grandchild of a covered individual or the grandchild's spouse or domestic partner;
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

**Note:** that for purposes of parental leave and sick child leave, the child must be either under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

#### ***Child***



“Child” includes a biological, adopted, foster or stepchild, the child of a registered, same-sex domestic partner, or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of Serious Health Condition Leave, the “child” can be any age; for all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

### *Eligible Employee*

OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA - For purposes of Oregon Military Family Leave Act leave, the employee needs to have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA) who seek OMFLA leave.

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. See definition of “public health emergency” definition below.

### *Serious Health Condition*

“Serious health condition” is defined under OFLA as an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. “Serious health condition” also includes any period of absence for the donation of a body part, ~~organ~~organ, or tissue, including preoperative or diagnostic services, surgery, post-operative ~~treatment~~treatment, and recovery.

Other conditions may qualify as “serious health conditions;” please see your supervisor for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as “serious health conditions.”

### *Public Health Emergency*

A “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. An example of this is when

the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

## Reasons for Taking Leave

Family Medical Leave is defined to include and may be taken under any of the following circumstances:

1. Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
2. Family Member's Serious Health Condition Leave: To care for a Family Member with a serious health condition.
3. Oregon Military Family Leave Act Leave ("OMFLA"): During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.
4. Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.
6. Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick Child Leave is not available if another family member is able and willing to care for the child.
7. Bereavement Leave. See the Bereavement Leave Policy on page \_\_\_\_ of this handbook.

## Length of Leave

In ~~a any One~~One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child Leave;
- An additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"); and
- Employees who take the entire 12 weeks of Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

## One-Year Calculation Period

The “twelve-month period”, a 12-month period measured forward from the date of the employee's first OFLA leave during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling 12-month period measured ~~backward~~ forward from the date an employee uses any family medical leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

## Intermittent Leave

Intermittent or reduced schedule leave may be taken when medically necessary due to the serious health condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of LRAPA operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both LRAPA and the employee. ~~Intermittent leave for Parental Leave is not available.~~

## Employee Responsibilities — Notice

Employees must provide at least 30 days’ notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30 days’ notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to LRAPA within 24 hours of commencement of the leave.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the supervisor as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify the supervisor within three business days, or as soon as possible.

~~Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with LRAPA’s normal call-in procedures. Employees who fail to comply with LRAPA’s call-in procedures may be disciplined or may have their period of OFLA leave reduced. Contact your supervisor for questions or clarification on the call-in procedure for individual work units.~~

## Certification

Generally speaking, employees must provide sufficient information for LRAPA to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally:

1. Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care provider if the employee has used more than three days (*i.e.*, one, three-day occurrence or three separate instances) of sick child leave within a One-Year Calculation Period.

Employees must furnish LRAPA's requested medical certification information within 15 calendar days after such information is requested by LRAPA. In some cases (except for leave to care for a sick child), LRAPA may require a second or third opinion, at LRAPA's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a medical certification.

### **Medical Certification Prior to Returning to Work**

If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

### **Benefits While on Leave**

LRAPA will continue the employee's health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on an OFLA leave. The leave period, however, will be treated as continuous service (*i.e.*, no break in service) for purposes of vesting and eligibility to participate in LRAPA benefit plans.

### **Job Protection**

Employees returning to work from OFLA will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring OFLA have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated OFLA period, reinstatement may not be available unless the law requires otherwise.

The use of OFLA cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who

use OFLA for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

An employee who leaves employment with LRAPA for any reason may be eligible for OFLA leave if they are re-employed by LRAPA within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for LRAPA for 180 days or less; please speak with Human Resources for more information.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use accrued paid leave, including ~~floating holiday~~ personal days, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on OFLA leave. Use of accrued paid leaves will run concurrently with OFLA leave.

### **Paid Leave Oregon**

LRAPA provides a Paid Leave Oregon Insurance plan through ~~[Choose one: Oregon Employment Department, OR Name of third party insurance organization, OR self-insured coverage]~~. This insurance is required by Oregon state law and provides paid time off to eligible employees. This is a protected leave. All health-related information gathered by the insurer and organization during this process will be maintained as confidential. Employees will not be discriminated against or retaliated against for using or trying to use this insurance benefit. We encourage each employee to use the combination of time off and benefits that meets their personal needs.

#### **Cost**

Employees will see a [up to .006%] deduction from gross wages for each paycheck. The employer will contribute [no less than .004%] of the employee's gross wages for each paycheck.

The employee and employer minimum and maximum, as well as overall costs, of this coverage will be assessed annually by the Oregon Employment Department and may change. We will be provided provided with notice to employees in advance of any change.

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### **Eligibility**

Most employees who work in Oregon are eligible to submit a claim. The determination of eligibility will be made by ~~[Choose one: Oregon Employment Department, OR Name of third-party insurance organization, OR Job Title in your organization]~~. If an employee disagrees with an eligibility determination, the employee may use the appeal process outlined in the determination notice.

### **Length of leave**

The length of leave is part of the determination process.

An employee may qualify for up to twelve (12) weeks of leave annually, starting from the first day of leave. **Employees who are eligible for OFLA may qualify for an additional four weeks of unpaid leave for any OFLA qualifying reason.** An additional two (2) weeks of leave may be available if the employee is pregnant, has given birth, or has health needs because of childbirth. The coverage may be approved in **[single day or single week segments OR something less]**.

### **Reasons for leave**

Benefits may apply to a variety of situations, including:

#### **Family leave - Caring for members of the employee's family:**

During the birth of a child

Bonding with a child in the first year:

- After birth
- Through adoption
- When the child is placed in the employee's home through foster care

To care for a family member with a serious health condition\*.

**Medical leave** - The employee caring for themselves when the employee has a serious health condition\*.

#### **Safe leave** - For survivors of:

Sexual assault

Domestic violence

Harassment

Stalking

\* A serious health condition is an illness, injury, impairment, or physical or mental condition that: requires inpatient care, poses an imminent danger of death or possibility of death in the near future, requires constant or continuing care, involves a period of incapacity, involves multiple treatments, or involves a period of disability due to pregnancy.



### **Insurance benefit while on leave**

The amount of benefit the employee will receive will be calculated based upon the employee's earnings for the prior year. This will also be part of the determination of coverage process by the Oregon Employment Department

~~**NOTE: Employers may allow employees to make up the difference between their PLO benefit amount and their regular rate of pay with their paid leave balance(s). Employers may not require an employee to use these leave balance(s). The following language is optional:**~~

~~Employee may make up the difference between the PLO benefit amount and their regular rate of pay. The following leave banks are available for this purpose; *Vacation, Sick Leave, Compensatory Leave, etc.*~~

### **Notification of the need for leave**

An employee is required to provide the employer with notice of the intention to take leave. For planned events the employee is required to provide thirty (30) days written notice. For unplanned events the employee is required to notify the employer within twenty-four (24) hours of the leave and provide written notice within three (3) days. If an employee is incapacitated due to the unplanned event and are unable to meet these obligations, we ask the employee to notify the employer as soon as possible.

~~**NOTE: If you are not using a specific form for this notice you will need to outline what needs to be included in the written request in this policy. If you are using a form, add the following:**~~

Please complete the Notice Form found at ~~[enter location]~~ to notify the employer of the intention to take leave. The by requesting a form employee may also contact ~~[enter job title]~~ from the Finance & Human Resources Director for a copy.

### **Filing a Claim for coverage**

~~**NOTE: The information provided below is applicable only to those organization who have chosen coverage through the Oregon Employment Department. If you have chosen and third-party insurer or are self-insuring, you will want to insert the approved method for claim application here.**~~

Employees will need to establish an account at [Frances Online](#) and file claims electronically. This is the electronic system of record for the Oregon Employment Department. Employees are responsible for submitting the required paperwork and any updates or changes to their claim. The employer will be unable to complete the application process on the employee's behalf.

### **Job and Benefit Protection while on leave**

If an employee has been employed with the employer for at least ninety (90) days prior to the leave, the employee will be restored to the same position upon their return, if return if the same position exists. If the same position does not exist [*Choose the statement below that represents your organization's employee count to finish this sentence.*

Twenty-five or more employees – Employees are entitled to a position equal to their previous position before you took leave, with equal employment benefits, pay and other terms and conditions.

OR

Fewer than twenty-five employees – Employees will be restored to a different position with similar job duties and the same employment benefits and pay. This position may or may not have the same terms and conditions.

If, at the time of leave, the employee is receiving health benefits these will be maintained.

The employee will be required to pay their portion of all elected benefits premiums while on leave.

### **Complaints Procedure**

LRAPA prohibits discrimination and harassment against an employee who takes protected paid leave. Conduct that violates LRAPA's no-harassment and no-discrimination policies will not be tolerated and may subject an employee to discipline, up to and including termination. See the No-Harassment Policy on page XX.

Employees who have experienced discrimination or harassment, or have witnessed such behavior, should bring the matter to the attention of a supervisor or member of management as soon as possible.

### **Holiday Pay While on Leave**

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

~~Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use OFLA for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.~~



~~An employee who leaves employment with LRAPA for any reason may be eligible for OFLA leave if they are re-employed by LRAPA within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for LRAPA for 180 days or less; please speak with Human Resources for more information.~~

## **Bereavement Leave**

In the case of a death in an employee's immediate family, ~~are eligible up to the Director may grant up to~~ five days off with pay to allow an employee to make funeral arrangements and/or to attend the funeral.

Immediate family ~~includes:~~includes spouse or registered domestic partner, children (including ~~step-children~~stepchildren), parents (including ~~step-parents~~stepparents or *in loco parentis*), sisters, brothers, mother and father-in-law, sister and brother-in-law, grandparents and grandchildren. To qualify for ~~bereavement~~bereavement, pay, employees may be required to provide substantiating information. Approved time off in excess of five days will be charged against the employee's accrued paid time off or may be taken without pay with the Director's approval.

Generally, employees who work less than 20 hours/week are not eligible for any benefits or compensation beyond wages. The exception to the "No Benefits" policy is Bereavement Leave. Bereavement Leave will be pro-rated according to the number of hours regularly worked, for employees who work less than 40 hours per week.

## **Under the Oregon Family Leave Act (OFLA)**

Employees who have worked for LRAPA for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a Family Member. Employees who have worked for LRAPA for 90-180 days may use up to 40 hours of accrued VACATION for bereavement purposes, and who have experienced the death of a Family Member. Employees who have worked for LRAPA for fewer than 90 days are not eligible for leave, except as defined by Oregon Family Leave Law. Contact your supervisor for more information.

**Who is a family member for purposes of taking OFLA bereavement leave?** An employee's spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with

whom the employee is or was in a relationship of in loco parentis. Family member also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner.

## **Jury and Witness Duty**

### **Jury Duty**

An employee will receive that employee's regular wages when absent from work due to jury duty responsibilities or because the employee is subpoenaed to testify in court. Employees are required to turn in any statutory per diem received for jury duty service.

Employees may keep any mileage reimbursement paid by the court. If dismissed from jury duty before the end of the scheduled workday, the employee is required to report to the office for the remainder of the day.

### **Witness Duty**

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to Finance upon receipt.

Except for employee absences covered under LRAPA's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. Leave without pay will be granted if the employee does not have any available accrued time. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

## **Religious Observances Leave and Accommodation Policy**

LRAPA respects the sincerely held religious beliefs and observances of all employees. LRAPA will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on LRAPA's business. Employees may use ~~floating holiday~~personal days, vacation, or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made to the supervisor, and may require the requesting employee to provide proof of the "sincerely held" religious belief.

## **Crime Victim Leave Policy**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable use of accrued VACATION or unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, ~~psychological~~psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period; may be eligible for Paid Leave Oregon.
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to your supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, LRAPA may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

### **Domestic Violence Leave and Accommodation Policy**

All employees are eligible for reasonable use of VACATION or unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation leave while on this type of leave. May be eligible for Paid Leave Oregon.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. LRAPA will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give LRAPA notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking are entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on LRAPA. Please contact your supervisor immediately with requests for reasonable safety accommodations.

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## **Military Leave**

Employees who are called to active or training military duty with any of the armed forces of the United States may be entitled to leave and reinstatement for military service pursuant to the provisions of Uniformed Services Employment and Reemployment Act (USERRA) and Oregon law. Employees who are called to active or training military duty must provide written or verbal notice of orders activating the employee to duty. Employees who are activated to duty will be provided leave in accordance with the provisions of USERRA and Oregon law. Employee benefits during military leave and employee reinstatement rights will be determined in accordance with the provisions of USERRA and Oregon law. Employees are entitled to reinstatement upon completion of military service, provided the employee returns or applies for reinstatement within the time allowed by law.

Further, eligible employees called for annual active duty for training as a member of the Armed Forces, National Guard, National Guard Reserve, or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, will be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. The employee must provide a copy of the training orders to receive this benefit. Weekend drill obligations are not considered “federal active duty” for training under this policy; other requirements apply. Please contact your supervisor for more information and arrangements for this leave.

## **Employee Benefits**

### **Benefits**

**LRAPA is a member of the Citycounty Insurances Services (CIS) for employee benefits.**

Employees who meet the definition of “benefit eligible” under both LRAPA policy and LRAPA’s current health care insurance provider are entitled to the benefit options. LRAPA offers medical/dental/vision insurance for all of its regular, full-time employees unless otherwise established by law. Annually healthcare coverage is reviewed and based on available funds, LRAPA offers to pay a percentage of the employee’s monthly premium. Those covering dependents are expected to pay part of the monthly premium. During the budgeting process, LRAPA reviews costs and available funds before making co-payment decisions. LRAPA works hard to manage health costs. Monthly rates are published during open enrollment of each year.

In addition to health/dental/vision benefits, LRAPA, ~~through CIS~~, offers several other benefits including LRAPA paid life insurance, LRAPA paid long-term disability, employee

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purchased employee and dependent life insurance (as of Jan. 1, 2023), ~~employee purchased short-term disability (as of Jan. 1, 2023)~~, employee paid identity protection, trauma, critical illness, hospitalization, and accident coverage, and employee paid flexible spending and dependent care contributions.

Through VOYA, LRAPA offers a deferred comp program. In conjunction with the State of Oregon, LRAPA is a member of the Public Employee Retirement System (PERS).

### **Employee Assistance Program (EAP)**

This free, confidential service is provided by Cascade Centers and is available to all employees and dependents covered on a ~~CIS Regence or Kaiser medical plan~~. LRAPA medical plan. EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol, or drug abuse, grieving a loss, and career development services.

Cascade Centers also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting Human Resources, or Cascade Centers directly at 1-800-433-2320, or at [www.cacadecenters.com](http://www.cacadecenters.com).

### **Workers' Compensation and Safety on the Job**

Under Oregon law, employees are protected by workers' compensation insurance. This insurance covers occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

### **Steps to Take if You are Injured on the Job**

Employees injured on the job are required to notify the supervisor no later than 24 hours after your injury.

Employees seeking treatment for a work-related injury and wanting to apply for workers' compensation benefits, the following must be completed:

1. Report any work-related injury to your supervisor no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

*Failure to timely follow these steps may negatively affect the ability to receive benefits.*

### **Return to Work**

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an

equivalent position, if available. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. LRAPA does not discriminate against employees who suffer a workplace injury or illness.

### **Early Return-to-Work Program**

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by LRAPA, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, LRAPA will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with LRAPA. While you are on modified or transitional work, you are still subject to all other LRAPA rules and procedures.

### **Overlap with Other Laws**

LRAPA will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

### **PERS (Public Employees' Retirement System) Benefits**

LRAPA participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit



their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS). For information about LRAPA's contributions to employee PERS or OPSRP plans, contact Human Resources.

LRAPA will consider allowing PERS-eligible employees to retire from his/her employment with LRAPA and then rehire them, as permitted under Oregon law. LRAPA will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of LRAPA, and the ability of existing employees to perform the work of the retiring employee. Please contact your supervisor for more information.

## **Miscellaneous Policies**

### **Alcohol/Drug Use, Abuse and Testing**

LRAPA works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to LRAPA's reputation.

LRAPA expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective, and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law provisions.) This policy revises and supersedes all previous drug and alcohol testing policies and practices.

### **Prohibited Conduct**

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

- Possession, transfer, use or being under the influence of any alcohol while on LRAPA property, on LRAPA time, while driving LRAPA vehicles (or personal vehicles while on LRAPA business), or in other circumstances which adversely affect LRAPA operations or safety of LRAPA employees or others.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, ~~drug~~drug, or other controlled substance while on LRAPA property, on LRAPA time, while driving LRAPA vehicles (or personal vehicles while on LRAPA

business), or in other circumstances which adversely affect LRAPA operations or safety of LRAPA employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in system while on LRAPA property or on LRAPA time.

- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington, or any other state's law.
- Bringing to LRAPA property, or possessing, items or objects on LRAPA property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in LRAPA property.
- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to LRAPA property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

### **Prescription Drugs and Medical Marijuana**

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or LRAPA operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect LRAPA operations or safety of LRAPA employees or other persons, LRAPA may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of



prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide LRAPA with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as LRAPA will not agree to allow an employee to use medical marijuana as an accommodation.

### **Testing**

LRAPA reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test;
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a LRAPA vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when LRAPA reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

### **Reasonable Cause Testing**

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, LRAPA may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood, and urine. No testing shall be performed under this rule without the approval of your supervisor or the supervisor's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior;
  - information provided by a reliable and credible source;
  - direct observation of drug or alcohol use;

- presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to your supervisor. Whenever possible, supervisors should locate a second employee or witness to corroborate their “reasonable cause” findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by your supervisor. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### **Search of Property**

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on LRAPA property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, LRAPA may search furniture, equipment or other property provided to the employee by LRAPA, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by LRAPA to employee.

### **Employee Refusal to Test/Search**

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs, or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### **Crimes Involving Drugs and/or Alcohol**

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

### **Drug and Alcohol Treatment**

LRAPA recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. LRAPA is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask the supervisor for assistance.

LRAPA will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and LRAPA to the extent its existing benefits package covers some or all of the program costs.

Although LRAPA recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of LRAPA policy is discovered, the employee's willingness to seek LRAPA or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### **Discipline and Consequences of Prohibited Conduct**

An employee who violates this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by LRAPA. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### **Confidentiality**

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or LRAPA is prohibited unless written authorization is obtained from the employee.

## **Mobile Devices Policy**

This policy applies to employee use of cell phones, smart phones, ~~tablets~~tablets, and similar devices, all of which are referred to as “mobile devices” in this policy.

### **Cell Phones and Mobile Devices in General**

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or LRAPA-provided mobile devices may not violate LRAPA’s policies against harassment and discrimination. Thus, employees who use a personal or LRAPA-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by LRAPA) that is harassing or otherwise in violation of LRAPA’s policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or LRAPA-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from the supervisor. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee’s obligation from recording time for all hours worked.

### **Employee Use of LRAPA - Provided or Paid For Mobile Devices**

Mobile devices are made available to LRAPA employees on a limited basis to conduct LRAPA’s business. Determinations as to which employees receive LRAPA-provided mobile devices will be made on a case-by-case basis by the Executive Director; employees are not guaranteed a cell phone or cellular device. In some cases, LRAPA may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of LRAPA away from the office.

Employees who receive a mobile device from LRAPA must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Unless in an emergency situation, family and friends are prohibited from using an employee’s LRAPA-provided mobile device. Further, employees who receive a cell phone or mobile device from LRAPA must acknowledge and understand that because the mobile device is paid for and provided by LRAPA, or subsidized by LRAPA, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if LRAPA has reasonable grounds to believe that the employee’s use of the cell phone violates any aspect of the Mobile Device Policy or any other LRAPA policy. Employees should have no reasonable expectation of privacy in an LRAPA-provided or -paid for mobile device. An employee who refuses to provide LRAPA access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

## **Mobile Devices and Public Records**

LRAPA-related business conducted on LRAPA-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against LRAPA or individual employees.

## **Employee Use of Mobile Devices with Cameras**

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used during working hours, or at any LRAPA-sponsored function unless authorized to do so by the supervisor or the Executive Director.

## **Mobile Device Use While Driving**

The use of a mobile device while driving may present a hazard to the driver, other employees, and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of LRAPA vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by LRAPA.

Employees are prohibited from using handheld cell phones for any purpose while driving an LRAPA-authorized vehicle or traveling to LRAPA-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages while driving on LRAPA business. Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call or use a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather). It is preferred that the employee locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

## **Use of LRAPA Email and Electronic Equipment and Services**

LRAPA uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet, and any new technologies used in the future. This policy governs the use of such LRAPA property.

## **Ownership**

All information and communications in any format, stored by any means on or received or transmitted via LRAPA's electronic equipment or services is the sole property of LRAPA.

## **Use**

All of LRAPA's electronic equipment and services are provided and intended for LRAPA business purposes only and not for personal matters, ~~communications~~communications, or entertainment. Access to the Internet, websites and other electronic services paid for

by LRAPA are to be used for LRAPA business only. This means, for example, that employees may not use LRAPA-provided Internet, or LRAPA electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate LRAPA's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or LRAPA, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other LRAPA-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use LRAPA-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). LRAPA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

### **Inspection and Monitoring – No Right to Privacy**

Employee communications, both business and personal, made using LRAPA electronic equipment and services are not private. Any data created, received, or transmitted using LRAPA equipment services are the property of LRAPA and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on LRAPA's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect LRAPA's ownership of the electronic information, electronic equipment or services, or LRAPA's right to inspect such information. LRAPA reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of LRAPA's electronic equipment and services, including all communications and internet usage and resources/sites visited. LRAPA will override all personal passwords if it becomes necessary to do so for any reason.

### **Personal Hardware and Software**

Employees may not install personal hardware or software on LRAPA's computer systems or mobile devices without approval from the supervisor. All software installed on LRAPA's computer systems must be licensed. Copying or transferring of LRAPA-owned software to a personal device/equipment may be done only for personal devices/equipment used for LRAPA business and with the written authorization of the supervisor.



## **Unauthorized Access**

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by LRAPA management. No employee can examine, change, or use another person's files, output, username, or password unless he/she has explicit authorization from the supervisor to do so.

## **Security**

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

## **Inappropriate Web Sites**

LRAPA's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, or other objectionable materials, or that would otherwise violate LRAPA's policies on harassment and discrimination.

## **Social Media**

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to personal or someone else's web log or blog, journal, or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with LRAPA, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what is posted online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of LRAPA or LRAPA's legitimate business interests may result in disciplinary action up to and including termination.

## **Prohibited Postings**

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any LRAPA policies, including LRAPA's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence that are physically threatening or intimidating, bullying, or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from personal blogs, website, or other social networking site to an LRAPA-owned or maintained website without identifying yourself as an LRAPA employee.

Express only personal opinions. Never represent as a spokesperson for LRAPA unless you are authorized by your supervisor to do so. If LRAPA is a subject of the content being created, be clear and open about the fact that the creator is a LRAPA employee and make

it clear that personal views do not represent those of LRAPA or its employees or elected officials.

### **Encouraged Conduct**

Always be fair and courteous to co-workers, the citizens we serve, LRAPA's employees and elected officials, and suppliers or other third parties who do business with LRAPA.

Also, keep in mind that work-related complaints can be resolved by speaking directly with co-workers, or by utilizing our Open-Door Policy, ~~than~~then by posting complaints to a social media outlet. If the decision is made to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, LRAPA employees or elected officials, that might constitute harassment or bullying, and/or that violate LRAPA policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, ~~religion~~religion, or any other status protected by law or LRAPA policy.

Maintain the confidentiality of LRAPA's confidential information. Do not post internal reports, policies, procedures or other internal, LRAPA-related confidential communications or information.

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt LRAPA operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against LRAPA's interest in the effective and efficient fulfillment of its responsibilities to the public.

### **Request for Employee Social Media Passwords**

LRAPA's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor to access a private email account not provided by LRAPA.

Nothing in this policy prohibits LRAPA from requiring an employee to produce content from his/her social media or internet account in connection with a LRAPA-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

### **Confidential LRAPA Information**

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with LRAPA policies, practices, and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical, or personal



information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials except in the ordinary course of performing duties on behalf of LRAPA may be removed from our premises without permission from the supervisor or the Executive Director. Likewise, any materials developed, including but not limited to software, products, patents, and trademarks, by LRAPA's employees in the performance of their jobs is the property of LRAPA and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to LRAPA's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

## **Ethics**

At LRAPA, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of LRAPA or LRAPA's citizens.

Employees of LRAPA are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Coming to LRAPA from work in the private sector may be challenging, including considering that some activities that are considered common business practice in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

For questions about whether an activity meets LRAPA's or Oregon's ethical standards, please talk with your supervisor. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

## **Open-Door Policy**

LRAPA's Open Door Policy is based on our belief that open, honest communication between supervisors, managers, and employees should be a common business practice. LRAPA's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation, when the employee provides the input in good faith. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in LRAPA, please raise them first with your supervisor. If you are not satisfied with the response from your supervisor, or if your issue involves your supervisor, request to have the situation and facts reviewed by Human Resources.

## Outside Employment

Generally, employees may obtain employment with an employer other than LRAPA or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of LRAPA time, LRAPA facilities, equipment and supplies, or the prestige or influence of the employee's position with LRAPA. In other words, the employee may not engage in private business interests or other employment activities on LRAPA's time or using LRAPA's property;
- The performance of an act that may later be subject to control, inspection, ~~review~~review, or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for LRAPA.

LRAPA requires employees to report outside employment to their supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her supervisor if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

## Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on LRAPA property, or in an LRAPA vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use VACATION to cover the absence, and may be subject to disciplinary action, including termination.

## Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

LRAPA EMPLOYEE HANDBOOK v ~~22-123-1~~ HRA Review 7-23

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of LRAPA employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

### **Bad Weather~~Inclement Weather~~ /Emergency Closing**

Except for regularly scheduled holidays identified by LRAPA (see “Holidays” section, above), LRAPA is open for business Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the Executive Director or his/her designee will decide whether to and to what extent the office will close during normal working hours.

In the event of extreme bad weather, we recognize that each employee’s ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you are required to contact your supervisor. Unless the Executive Director or his/her designee has closed the office, employees not able to come to work due to safety reasons will be granted approval to use VACATION to covered time away from the office.

In the event the Executive Director or his/her designee has closed the office due to an emergency or due to extreme bad weather, LRAPA will pay employees their normal salary for the day.

### **Driving While on Business**

LRAPA provides vehicles for use while on LRAPA business. However, with approval of your supervisor, you may have the option to use your own vehicle. Employees using a private vehicle to conduct LRAPA’s business must possess a valid driver’s license and must carry auto liability insurance as outlined in Oregon law. Employees who use their own vehicles for authorized LRAPA business use should make any necessary arrangements with their insurance carriers. LRAPA may verify the validity of your driver’s license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with LRAPA, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify LRAPA when there are transactions on your driving record such **as speeding tickets and citations.**

While on LRAPA business, drivers are expected to make every **reasonable effort to operate vehicles safely, with due regard for potential hazards, weather, and road conditions.** Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for

notifying their supervisor of any subsequent restrictions, limitations, or other changes in their driving status within 72 hours of the change or new restrictions/limitations. See also, “Mobile Device Use While Driving” policy, above.

Employees who receive a ticket or citation while driving a LRAPA owned vehicle or driving a personal vehicle while on LRAPA business will be responsible for paying any fine associated with a ticket or citation, including parking tickets, and may face discipline up to and including termination.

## **Workplace Violence**

LRAPA recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person’s life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by LRAPA.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with LRAPA, or that threaten the safety, security, or financial interests of LRAPA. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer, or elected official. Employees should make such reports directly to the supervisor.

LRAPA also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on “Workplace Inspections.”

## **Workplace Inspections — No Right to Privacy or Confidentiality**

This policy applies to inspections and investigations conducted by LRAPA pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by LRAPA; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

## **Smoke-Free Workplace**

LRAPA provides a tobacco-free environment for all employees and visitors. For purposes of this policy, “tobacco” includes the smoking of any tobacco-based product, smoking in any form including, without limitation, cigars and e-cigarettes, and the use of oral tobacco products or “chew/spit” tobacco. Marijuana is also prohibited under this policy. This policy

applies to employees, volunteers, and any visitors to LRAPA property, vehicles, or facilities/buildings.

LRAPA buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, LRAPA prohibits tobacco/marijuana use in or around LRAPA vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of LRAPA's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

### **Hiring of Family Members**

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at LRAPA subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor or Human Resources. The employees and LRAPA will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, LRAPA will make the final decision, based on the organization's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by LRAPA. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

### **Training and Education Aid**

#### **Professional Training**

LRAPA encourages training opportunities for employees which will increase the efficiency and effectiveness of the Agency's operations and services. Training opportunities must be approved in advance by the employee's supervisor. Once approved, employees must complete a training requisition form and have it approved by the supervisor, then forward

to Human Resources. LRAPA will attempt to provide all employees equitable access to training opportunities.

### **Education Aid**

Subject to budget and resource limitations, the supervisor with Director's approval may approve payment of up to one-half of the cost of tuition and books for job-related education courses. Employees must attend these courses on their own time unless otherwise approved by the supervisor. If the Agency requires an employee to take a course, the Agency will pay the full cost of books and tuition and the employee may attend during regular work hours. LRAPA will attempt to provide all employees equitable access to education opportunities.



## **Termination of Employment**

### **Workplace Rules and Prohibited Conduct**

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and LRAPA's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other LRAPA records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any LRAPA property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of LRAPA equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on LRAPA property.
- Carrying firearms or any other dangerous weapon on LRAPA premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on LRAPA property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another LRAPA employee, customer, or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by LRAPA.
- Misrepresentation of LRAPA policies, practices, procedures, or your status or authority to enter into agreements on behalf of LRAPA. Employees may not use



LRAPA's name, logo, likeness, facilities, assets, or other resources of LRAPA for personal gain or private interests.

- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or LRAPA policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by LRAPA or outside regulatory or legislative bodies.
- Harassment or discrimination that violates LRAPA policy.

This statement of prohibited conduct does not alter LRAPA's policy of at-will employment. LRAPA remains free to terminate the employment relationship at any time, with or without cause or notice.

### **Corrective Action/Discipline Policy**

Unless otherwise provided in an individual employment contract, regular employees will be disciplined or discharged only for just cause. Just cause includes, but is not limited to, any violation of these policies or any other communicated work expectation, any illegal or unethical conduct, theft or dishonesty, failure to satisfactorily perform job duties, inappropriate or disruptive conduct toward others, or any other conduct or performance related reason that LRAPA finds to be just cause for discipline or discharge. Trial service, temporary, and limited duration employees are at will employees, and may be discharged at any time without cause and without notice.

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet LRAPA standards, LRAPA will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of LRAPA policies, procedures, and rules and for other inappropriate behavior or conduct, LRAPA may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. LRAPA may also choose to send the employee to a training or an education opportunity.

In all cases, LRAPA will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. LRAPA may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when LRAPA deems such action appropriate.

If LRAPA proposes to impose an economic sanction as discipline (such as suspension without pay, docking of accrued paid time or discharge), the Agency will provide the employee with notice of the proposed discipline and an opportunity to respond before

taking final action. If discipline involving an economic sanction is imposed, the employee will be provided with a hearing through the grievance procedure (explained below).

### **A. Grievance Policy**

~~This policy is intended to provide employees with an orderly method of submitting and resolving grievances about their employment with LRAPA, and to ensure that the Agency's policies and procedures are administered fairly and in compliance with the law. The objective of this policy is to secure a mutually acceptable solution to employee grievances at the earliest opportunity.~~

~~A "grievance" is a dispute about the meaning or application of a particular policy or procedure or about an alleged violation of a policy or procedure. As used in this policy, "days" means calendar days, including weekends and holidays.~~

~~If an employee fails to submit a grievance in accordance with the time limits set forth at each step, the grievance will be deemed abandoned. If the supervisor fails to provide a timely response at Step 1, the employee may proceed to Step 2 within seven days of the last date for response by the supervisor. Any time limit specified in this policy may be waived or extended by mutual agreement of the employee and the other involved parties. An employee may withdraw a grievance at any time.~~

#### **Step 1**

~~Within 14 days of the event prompting the grievance, the employee will report the grievance informally to his/her supervisor. If the employee and supervisor do not resolve the issue, the employee, within the same 14-day period, may submit the grievance in writing to the supervisor. The written grievance must include a description of the grievance (including all relevant facts), the policy or procedure questioned or violated and the remedy sought. The supervisor will respond to the employee in writing within seven days.~~

#### **Step 2**

~~If the issue remains unresolved, the employee may submit the written grievance to the Director within seven days of the receipt of the supervisor's response. The Director or designee will meet with the employee or hold a hearing if required by law. The Director will respond to the employee within seven days of the meeting or hearing. The decision of the Director is final. If the grievance involves the Director, then a written submission of the grievance is made to the Board Chair and Board Chair will meet with parties and make the final decision with consent of the majority of the Board of Directors.~~

#### **Time Limits**

~~Consistent with the principles of dispute resolution, any time limit specified in this procedure may be waived or extended by mutual consent of the employee and the other involved parties. If an employee fails to submit a grievance in accordance with these time limits and without the consent of the other party, the grievance will be deemed to have been abandoned. If the responding party fails to provide a timely response at any step, the aggrieved employee may proceed to the next step within seven days of the last date for response by the other party. A grievance may be dismissed at any time upon receipt of a signed statement from the employee that the matter has been resolved.~~

~~The Director may vary or modify the strict application of the rules listed above in any case where such strict application would result in practical difficulties or unnecessary hardship.~~

## **Layoffs/Reductions in Force Policy**

### **Reductions in Force**

~~The Director may lay off employees due to circumstances such as organizational changes, lack of funds, or curtailment of work. When eliminating positions, the determination of which employees will be retained~~retained~~, and which will be laid off will be made within like classifications within the Agency. If there is more than one person within like classifications, the retention and layoff will be determined based on an assessment of the following job-related criteria: knowledge of the program area and profession; skills, including any special skills or certifications; relevant background (education and experience); documented performance and length of service. Transfers may be made between classifications in order to retain the best qualified employees for the work available.~~

~~No regular employee in a classification will be laid off while there are temporary or trial service employees performing the same duties in the same classification.~~

~~Except in the event of a declared emergency, employees will receive a minimum of 30 days' notice of a layoff.~~

### **Employee in Transition Status**

~~As soon as a final decision is made to eliminate a position and an employee is identified for layoff, the affected employee will be notified in writing by the Director. Between the date of the notice and the date of the layoff, the employee will be in a status designated as an "employee in transition" (EIT). To the extent of available resources, the Agency will offer a number of support services to all EITs. The notification to the employee will include a description of the services available and how the employee can avail him/herself of the services. Services may include, but are not limited to, notice of opportunities for other positions within the Agency, job information outside the Agency, career assessment and planning tools, and job search training and advice.~~

### **Severance Pay**

~~All employees who have completed 60 continuous months of service as a regular employee will be eligible to receive severance pay if they are laid off. The severance amount will be based on one week's pay, at the current rate, for each complete year of service as of the date the employee leaves the Agency. The maximum amount of severance pay an employee can receive is 15 weeks. Severance pay is treated as normal income and therefore is subject to taxation.~~

### **Repayment of Severance Upon Recall**

~~If an employee is recalled during a period equal to or less than the number of weeks of the severance pay, he/she must reimburse the Agency for a prorated amount of the severance pay based upon the amount of time from layoff to recall. For example, if an employee receives 15 weeks of severance pay and is recalled 12 weeks after layoff, he/she must reimburse the Agency an amount equivalent to three weeks or one-fifth of the severance pay received.~~

### **Salaries, Merit Review Dates, and Probation for Displaced Employees**

~~When an employee's position has been identified for elimination and the employee voluntarily accepts a vacant position in a lower pay range in lieu of bumping or layoff, the employee's salary will be red-circled for up to 12 months. An EIT who accepts a transfer or voluntary demotion in lieu of layoff will not be required to complete a trial service period unless the employee has not completed the initial trial service period with the Agency.~~

### **Voluntary Termination**

An employee who resigns is considered to have voluntarily terminated his/her employment ~~with LRAPA~~with LRAPA. Employees are asked to give at least two ~~weeks~~ notice of the intent to resign. In addition, an employee who fails to report to work for three consecutive scheduled workdays without notice to or approval by his/her supervisor is also considered to have voluntarily terminated employment with LRAPA.

### **Benefits Eligibility**

LRAPA-sponsored health, dental, and vision insurance coverage for eligible employees and their dependents ceases on the last day of the month in which the employee's employment ends. Employees who leave employment for any reason may continue health and dental insurance coverage for up to 18 months as provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA) and any other applicable federal and Oregon law. Employees who wish to continue these benefits are responsible for all costs plus an administrative fee. For further information on continuation of benefits under COBRA, contact Finance/HR Division.

### **Return of LRAPA Property**

Upon termination of employment, all LRAPA property in the possession of the employee, including vehicles, keys, identification badges, and credit cards, shall immediately be returned to the employee's supervisor.

### **Retirement or Resignation from Employment**

If you choose to resign or retire, it is anticipated that you will give LRAPA as much notice as possible, preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days cannot be used in lieu of notice. You must be present on your last working day with LRAPA.

If you do not give two-weeks' notice of your intent to leave LRAPA, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the supervisor before making a final decision.

Employees must return all LRAPA property, including issued uniform pieces, phones, computers, identification cards, credit cards, keys, and manuals, to the supervisor on or before their last day of work. ~~The value of any items not returned will be deducted from the final paycheck.~~

## **References**

All requests for references or recommendations must be directed to Human Resources. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, LRAPA discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

## Employee Acknowledgement

Acknowledgment of Receipt of **LRAPA's EMPLOYEE HANDBOOK** (~~version 22-4 effective November 1, 2022~~).

I acknowledge that I have received and read a copy of this handbook and that a copy of the Handbook is available to me at any time to review in the Human Resources Office or on LRAPA's website.

I understand that LRAPA has adopted the Employee Handbook, **v 22-1** as a general guide about policies, work rules and the work environment, and that LRAPA has the sole discretion to update/change policies at any time. I also understand that the Employee Handbook, **v 22-1** overrides previous versions of the Employee Handbook.

I acknowledge that the Employee Handbook, **v 22-1** is not considered an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I have reviewed LRAPA's policies regarding equal employment opportunity and that LRAPA aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to my supervisor, Human Resources, or the Director.

During my employment with LRAPA, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

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Employee Signature

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Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.





# **Employee Handbook**

## **v2023**

### **Effective December 2023**

## **ABOUT THE AGENCY**

The Lane Regional Air Protection Agency (LRAPA) is a local government agency whose purpose is to protect and maintain the air quality in Lane County (Cities of Cottage Grove, Eugene, Oakridge, and Springfield, and Lane County) in a way that is environmentally sound and consistent with the economic and industrial well-being of the area. It is the only local agency of its kind in Oregon.

LRAPA is governed by a Board of Directors composed of appointees from each of the participating local entities and at-large members. The Board appoints a Director to implement the policies, rules and regulations adopted by the Board. The Director, in turn, employs a technical and professional staff to conduct the work of the Agency.

This employee handbook describes LRAPA's working conditions, employee benefits, policies, and responsibilities affecting your employment. LRAPA strives to provide a work environment that is conducive to both personal and professional growth. Since understanding the information in this handbook is important to employees' success, all employees will be asked to read the handbook, then sign, and submit the acknowledgment form found at the back of this handbook to Human Resources. The signed form will be kept in each employee's personnel file.

It is important to note that an employee handbook cannot anticipate every employment circumstance or policy question. This handbook is intended to serve as a guideline for LRAPA employees regarding LRAPA's rules, policies, procedures, and expectations and is reviewed and updated as needed to ensure currency. Employees will be notified of policy, benefits, or any other changes to these policies as changes occur. LRAPA reserves the right at any time, with or without prior notice, to amend, modify, delete, revise, or rescind this handbook or any portion of it to the extent allowed by law.

Employees who have questions regarding the interpretation of any policy or benefit contained in this handbook should contact their supervisor. This handbook supersedes all other policies, procedures, instructions, practices, or rules which are inconsistent with those contained herein. This handbook is not intended for and does not constitute a contract with any employee. It does not guarantee any particular or minimum length of employment, procedure, or other condition of employment.

## **FROM THE DIRECTOR**

Welcome to Lane Regional Air Protection Agency (LRAPA), we are glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with LRAPA, you will become a productive and successful member of LRAPA's team.

This employee handbook describes, in summary, laws, policies, and procedures that govern the employment relationship between LRAPA and its employees. The policies and procedures stated in this handbook are subject to change at any time at the sole discretion of LRAPA's management with or without prior notice. Updates to policies and procedures will be communicated to you through official numbered memos or direct communication for your supervisor.

This handbook supersedes any prior handbooks or written policies of LRAPA that are inconsistent with its provisions. As stated above, you may receive updated information concerning updates to this handbook. Updated information should be printed and kept with your copy of the handbook.

If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please contact Human Resources.

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## **Equal Employment Opportunity (EEO) Policies**

The following EEO Policies apply to all employees. Failure to follow the EEO Policies may result in discipline, up to and including termination. All employees are encouraged to discuss these EEO Policies with their supervisor if they have questions relating to the issues of harassment, discrimination, or bullying, or what it means to work in a respectful workplace.

### **No-Discrimination, No-Retaliation Policy**

LRAPA provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. LRAPA recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other LRAPA policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles, defined as "hairstyle, hair color or manner of wearing hair, including braids regardless of whether the braids are created with extensions or styled with adornments, locs, and twists."

LRAPA's commitment to equal opportunity applies to all aspects of the employment relationship including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

### **Statement Regarding Pay Equity**

LRAPA supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which LRAPA pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with their supervisor.

### **No-Harassment Policy**

LRAPA prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, LRAPA prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.



Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during LRAPA related or sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of LRAPA's employees. Such harassment is prohibited whether committed by LRAPA employees or by non-employees including elected officials, members of the community, volunteers, interns, and vendors.

### **Sexual Harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature regardless of whether such conduct is "welcome," when:

Submission to such conduct is made either implicitly or explicitly a term or condition of employment.

1. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
2. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex. This is not a complete list.

### **Other Forms of Prohibited Harassment**

This policy prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

This policy also prohibits harassment such as verbal, written, or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs.
- Negative stereotyping.
- Displaying racist symbols anywhere on LRAPA property.
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability.
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them.
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style (see definition of "race" on page 1). Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional conduct.

### **Complaint Procedure**

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of their supervisor, Human Resources, or the Director as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses' harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

### **Investigation and Confidentiality**

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with LRAPA's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, LRAPA will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use LRAPA's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether

criminal or civil. Although LRAPA cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against LRAPA, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

### **Protection Against Retaliation**

LRAPA prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to their supervisor, Human Resources, or the Executive Director. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

### **Other Resources Available to Employees**

LRAPA provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in LRAPA's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [canopywell.com](https://canopywell.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

LRAPA cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

### **Other Employee Rights**

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

LRAPA is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires LRAPA to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with LRAPA regarding their experience and/or employment status, the employee should contact their

supervisor. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If LRAPA and the employee do reach an agreement, LRAPA will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about LRAPA or making comments that would lower LRAPA in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that LRAPA and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

### **No-Bullying Policy**

LRAPA strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. LRAPA, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: ushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

***NOTE: This is not an all-inclusive list.***

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor, Human Resources, or the Executive Director as soon as possible. If conduct in violation of this policy is found to

have occurred LRAPA will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

## **Disability Accommodation Policy**

LRAPA is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

### **Accommodations**

LRAPA will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operations of LRAPA.

### **Requesting an Accommodation**

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the agency and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by LRAPA, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made in writing with the employee's supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for a reasonable accommodation. Both LRAPA and employee must monitor the employee's accommodation situation and consider adjustments as needed.

## **Pregnancy Accommodation Policy**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact their supervisor to discuss options for continuing to work and, if necessary, leave of absence options. LRAPA will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on LRAPA's operations.



### **Requesting a Pregnancy-Related Accommodation**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made in writing with the supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist LRAPA and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both LRAPA and employee must monitor the employee's accommodation situation and make adjustments as needed.

### **No Discrimination, No Retaliation**

LRAPA prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by LRAPA; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee does not have a known limitation. Under Oregon law, an employer cannot require an employee to use sick leave under the Oregon Family Leave Act if a reasonable accommodation can be made that does not impose an undue hardship on the operations of LRAPA. Also, no employee will be denied employment opportunities if the denial is based on the need of LRAPA to make reasonable accommodations under this policy.

### **Leave of Absence Options for Pregnant Employees**

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law and the Oregon Family Leave Act. For more information, contact your supervisor or Human Resources.

### **Reporting Improper or Unlawful Conduct — No Retaliation**

Employees may report concerns about LRAPA's compliance with any law, regulation, or policy, using one of the methods identified in this policy. LRAPA will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules, or regulations by LRAPA.
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment.
- Mismanagement, gross waste of funds, abuse of authority.
- A substantial and specific danger to public health and safety resulting from actions of LRAPA or one of its employees; or

- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, LRAPA will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

### **Employee Reporting Options**

Employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with Human Resources, or the Executive Director. Further, supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If LRAPA were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

### **Additional Protection for Reporting Employees**

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of LRAPA's violation of law will have an affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure just have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager or supervisor with LRAPA; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

### **Policy Against Retaliation**

LRAPA will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by LRAPA policy).



In addition, LRAPA prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no LRAPA employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. LRAPA may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if LRAPA determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

## **Classification And Compensation**

### **Trial Service Period of Employment**

All new employees are hired into a trial service period for 6 months. During this period, you the employee is considered to be in training, and under observation and evaluation by the supervisor. During this time, the employee can expect ongoing evaluations of adjusting to work tasks, conduct, work rules, attendance and job responsibilities will be discussed during 1:1 meeting with the supervisor. This period gives the employee an opportunity to demonstrate satisfactory performance for the position, as well as provides an opportunity to determine if knowledge, skills and abilities, and the requirements of the position match. It is also an opportunity for the employee to decide if LRAPA meets their expectations of an employer.

During or before the end of the trial service period, a decision about employment status will be made. LRAPA will decide whether to: (1) extend the trial service period up to an additional 6 months; (2) move the employee to regular, full-time, or regular, part-time status; or (3) terminate employment.

Employees are not guaranteed any length of employment upon hire, both the employee and/or LRAPA may terminate the employment relationship during the trial service period for any lawful reason. Further, completion of the trial service period or continuation of employment after the trial service period does not entitle the employee to remain employed by LRAPA for any definite time. Both the employee and LRAPA are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

## Employee Classifications

LRAPA classifies employees as follows:

1. **Regular Full-time**: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in LRAPA's benefit programs.
2. **Benefited Regular Part-time**: Employment requiring 20 hours per week but less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in LRAPA's benefit programs. Benefits and costs will be adjusted based on average working hours.
3. **Non-benefited Part-time**: Employment requiring less than 20 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in benefit status. Non-benefited, part-time employees working 20 hours or less per week are not eligible for benefits except those mandated by applicable law, such as Oregon's Sick Leave Policy.
4. **Temporary**: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

## Exempt and Non-Exempt Employees

Under the Fair Labor Standards Act (FLSA), all employees are defined by federal as either "exempt" or "non-exempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs.

### Exempt

Management, supervisory, professional, and administrative employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable Oregon law and who are exempt from minimum wage and overtime pay requirements.

### Non-Exempt

Employees whose positions are not exempt from minimum wage overtime pay requirements because their positions do not meet the exemption criteria under the FLSA and Oregon law and who are paid one and one-half times their regular rate of pay for overtime hours worked, as required by federal and/or Oregon laws.

### **Established Working Hours**

LRAPA has established regular working hours to promote a productive work environment that best serves our citizens. Established office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Only the Executive Director has the right to limit public hours or close the office within this timeframe. As defined by FLSA, the established work week begins on Sunday at 12:00 am and ends on Saturday at 11:59 pm each week.

The supervisor schedules specific work hours for individual employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the supervisor with approval from the Executive Director. Management reserves the right to modify schedules consistent with the needs of the Agency.

### **Meal Periods and Rest Breaks**

Under FLSA, non-exempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Additionally, non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, a non-exempt employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor. This time is considered working time under FLSA and is compensable.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

See BOLI website for more information:

<https://www.oregon.gov/boli/workers/pages/meals-and-breaks.aspx>

### **Rest Breaks for Expression of Breast Milk**

LRAPA will provide reasonable rest periods to accommodate an employee who needs to express milk for child(ren) eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt under FLSA, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

LRAPA will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time LRAPA is required to provide as paid rest breaks and/or meal periods under applicable personnel rules. If an employee takes unpaid rest breaks, LRAPA EMPLOYEE HANDBOOK V2023 HRA Review 12-23

LRAPA may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. LRAPA will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

LRAPA will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, LRAPA will identify a private location. The travel time to and from the private location will not be counted as a part of the employee's break period.

### **Notice to Express Milk**

An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable written notice of the intention to do so in order to allow LRAPA time to make any preparations necessary for compliance with this rule.

### **Storage of Expressed Milk**

Employees are responsible for storing expressed milk. Employees may bring a clearly labeled food container for storing the expressed milk.

## **Overtime**

### **Overtime and compensatory time**

For non-exempt employees. LRAPA pays one and one-half times the employee's hourly rate for all hours worked in excess of 40 hours worked within the defined work week.

Non-working paid or unpaid hours such as (but not limited to) sick, vacation, holidays, leave without pay, or office closures will not be counted toward the 40 hours required to receive overtime pay.

All overtime must be preapproved by the supervisor. No overtime may be worked by non-exempt employees unless specifically authorized by a supervisor or manager.

Employees who work unauthorized overtime may be subject to discipline up to and including termination.

All employees must request compensatory time off. Employees are encouraged to work with their supervisor to schedule and use comp time within 60 days of when it is accrued. Upon termination of employment with LRAPA, any remaining comp time will be paid at the employee's current regular rate of pay.

### **Leave Without Pay**

A regular full-time or part-time employee may apply to Human Resources for a leave without pay. The request must be in writing and must explain the reason(s) for and duration of the requested leave. Except as otherwise required by law, the Executive Director has sole discretion whether to grant or deny a request for leave without pay.

### **Timekeeping Requirements**

All employees must accurately record time worked and use of accruals on an agency approved timesheet for payroll purposes. Non-exempt employees are required to record detailed daily time records. Exempt employees are allowed to report summary level time worked and time off. However, the automated payroll system and/or agency need (long term or short term) may require exempt employees to provide additional details of time worked and time off. Exempt employees are required to discuss needs with the supervisor.

Other than the supervisor, director, or finance director, filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record time accurately may be subjected to discipline up to and including termination.

### **Employee-Incurred Expenses and Reimbursements**

LRAPA will pay actual and reasonable business-related expenses incurred in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor before expenses are incurred. For mileage, LRAPA will not reimburse mileage if the employee is offered a LRAPA vehicle and the employee chooses to drive their own vehicle. Further, if the employee chooses to drive their own vehicle, the driver's insurance will be considered in first position and LRAPA's insurance in second position if an accident occurs.

LRAPA will not pay for or reimburse the costs incurred by a travel companion who accompanies the employee on LRAPA-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (detailed receipts) within one month of the expense being incurred or the employee may forfeit the payment or reimbursement.

Some examples of actual and reasonable business-related expenses that LRAPA will reimburse/pay for are:

- Conferences or Workshops
- Professional Licensing
- Education
- Parking

Authorized meals (per diem) and mileage will be reimbursed at the current Internal Revenue Rate (IRS) for location.

Hotels will be reimbursed based on the reasonable amount outlined by the IRS based on location.

Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by LRAPA.

## **Payroll Policies**

All full-time and benefited part-time employees are paid on a semi-monthly basis, with paydays being the 15<sup>th</sup> of the month and the last day of the month or if the payday falls on a weekend the payday is the Friday before.

Non-benefited, part-time employees are paid on a monthly basis, with payday being the 15<sup>th</sup> or the Friday before the 15<sup>th</sup> of each month.

Net pay will be directly deposited into the employee's bank account.

## **Salary Administration**

### **Starting Salary**

New employees are generally placed at the first step of the pay range for the classification they have been hired into. With Executive Director approval, the supervisor may offer a starting salary above the first step based on qualifications or market considerations. In alignment with Oregon Pay Equity Law. Current salary ranges for the Agency have 17 pay steps. This policy is at the discretion of LRAPA and state and federal gridlines.

### **Salary Adjustment Based on Merit**

Employees are eligible for a two-step merit increase at the successful completion of the 6-month trial service period and, Thereafter, one step annually will be applied on the employee's anniversary date until the employee reaches the top step of the range with successfully evaluations. In alignment with Oregon Pay Equity Law.

### **Grandfathered policy**

LRAPA reviews salaries after the completion of the initial probationary period and annually thereafter in conjunction with the employee's performance evaluation. Employees currently earn a longevity increase of one step within This policy is grandfathered and only applies to employees hired prior to January 2024.



### **Salary Adjustment Based Longevity**

An employee is eligible for longevity pay of a monthly amount of \$250.00, once an employee reaches the top step of the salary range 17.

### **Promoted Employees**

If a regular employee is promoted to a position with a higher pay range, the employee will be placed in a new pay range, in a new step, with at least a 5% increase.

### **Statement Regarding Pay Practices**

LRAPA makes all efforts to comply with applicable state and federal wage and hour laws. In the event the employee believes that LRAPA has made an improper deduction, has failed to pay for all hours worked or for overtime, has failed to pay in accordance with the law, or has failed to properly calculate wages in any way, the employee must immediately report the error to the supervisor. LRAPA will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding LRAPA's pay practices.

### **Reporting Changes to an Employee's Personal Data**

Because personnel records are used to administer pay, benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current is important. For changes in any of the following items, please notify Human Resources to ensure that the proper updates are completed as quickly as possible:

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address
- Mailing Address
- Telephone number
- Dependents
- Person and phone number to be notified in case of emergency
- Other information having a bearing on your employment
- Tax withholding

Employees may not intentionally withhold information from LRAPA about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, LRAPA may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

### **Performance Reviews**

All LRAPA employees will receive annual performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, pay increases,

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job assignments, employee development, promotions, retention, and discipline /termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action up to and including termination.

LRAPA's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion. After this trial service evaluation, LRAPA will strive to provide a formal performance review on an annual basis on the employee's anniversary date.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement to their supervisor. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations on an as-needed basis, such as during scheduled 1:1 meeting.

### **Personnel Files**

LRAPA maintains a personnel file for each employee. The personnel file includes those personnel records of the employee which are used or have been used to determine the employee's qualification for employment, promotion, additional compensation, employment termination or other disciplinary action, such as the employee's job application, resume, training records, performance appraisals, salary increases, and other employment records.

Access to personnel files is restricted to those with a business need for the information, except as otherwise required by law. All employees have access to their own personnel file to the extent allowed by law. An employee may request access to his/her personnel file from his/her supervisor. With reasonable advance notice, an employee may view his/her personnel file at a mutually convenient time in the presence of Human Resources a manager or supervisor. Upon request, an employee will be provided with a copy of his/her personnel file, or any requested portion of the file. Copies will be provided as soon as reasonably possible and in accordance with the requirements of Oregon law.

An employee's medical information and any workers' compensation files will be kept separately from the employee's personnel file and will be maintained in locked storage with access limited to authorized personnel.

## **Time Off And Leaves Of Absences**

### **Attendance and Punctuality**

Employees are expected to report to work as scheduled, on time, and prepared to start work as well as expected to remain at work for their entire scheduled work hours, except for paid break periods or when on authorized LRAPA business, and to perform the work

assigned to or requested of them. Tardiness and absences are disruptive and place an undue hardship on co-workers and supervisors. Employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via phone or text message prior to the beginning of the shift.

Not reporting to work and not reporting an absence is considered a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense will be treated as job abandonment and voluntary resignation of employee. LRAPA will take each instance of no call/no show as a serious matter and will discuss any emergency situation and take that into consideration in the application of this policy.

### **Vacation**

Vacation is intended to provide time away from work for rest and recreation. The amount of vacation to which a regular full-time and benefited part-time employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. Vacation accrues monthly as follow:

**Accrual Chart:** For full-time employees, vacation accrues as follows:

<b><u>Years of Service</u></b>	<b><u>Vacation Accrual Rate</u></b>
1 <sup>st</sup> through 5 <sup>th</sup> year	9 hrs. monthly
6 <sup>th</sup> through 10 <sup>th</sup> year	11 hrs. monthly
11 <sup>th</sup> through 15 <sup>th</sup> year	13 hrs. monthly
16 <sup>th</sup> through 20 <sup>th</sup> year	14 hrs. monthly
21 <sup>st</sup> through 25 <sup>th</sup> year	16 hrs. monthly
26 <sup>th</sup> and beyond	18 hrs. monthly

### **NOTE:**

1. Accruals cannot be used until earned. "Earned" means available hours are posted to the employee's account and shown on the pay advice.
2. Benefited Regular Part-time employees shall be entitled to that fractional part of the vacation that the total number of hours of employment bears to the total number of full-time employment hours.

### **Vacation Maximum Accumulation**

Full-time regular employees accrue vacation leave to a maximum of 800 hours. Benefited part-time employees earn vacation based on percentage of hours worked as compared to the 40-hour work week pro-rated. Upon separation of employment, employees who have completed 12 months of employment will be paid unused vacation accrual up to the maximum payout of 280 hours.

## **Vacation Buyout**

Vacation is intended to provide time away from work for rest and recreation. However, the Agency understands that there may be times when an employee needs to receive a portion of the vacation, as a cash benefit in addition to their regular pay. LRAPA Director may approve a one-time cash payout request, for up to 40 vacation hours related to vacation. The request must be submitted only once per fiscal year, no request will be accepted after April 1st. Approvals based on budgets availability and as long as the employee has a remaining balance of 40 hours. Requests will be considered on a first come, first serve basis. Available funds may be less than total requests. In this case, the LRAPA reserves the right to limit the number of hours paid off per request.

## **Sick Leave**

LRAPA provides eligible full-time employees with up to 8 hours per month of (part-time employees will accrue on a pro-rated basis per hours worked) paid sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law. Employees with questions about this policy may contact his/her supervisor or Human Resources. Please also refer to the Oregon Sick Leave Law poster that is posted in the common break/kitchen area and is incorporated here by reference. There is no payout for hours associated with unused sick leave.

## **Eligibility and Accrual of Paid Sick Leave**

As part of the sick leave discussed above, LRAPA ensures employees accrue the required sick hours as designed under Oregon's Paid Sick Leave Law. Under this law, "employee" includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees. Sick leave runs concurrently with LRAPA's accrual usage, Oregon Family Medical Leave, and any other leave allowed by law.

Under Oregon's Paid Sick Leave Law, employees may accrue and use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. For full-time employees, LRAPA provides 8 hours of sick leave monthly. Sick leave accrues per pay period. Part-time employees accrue a proportionate amount based on hours worked but not below the amount required by this law. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached.

When used, paid sick leave will be paid at the employee's current regular rate of pay. Exempt employees are presumed to work 40 hours in each work week for purposes of sick leave accrual and payment for use.

## **Use of Sick Leave**

Sick leave may be used for any of the following reasons:

1. For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.

- “Family member” means the eligible employee’s spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner’s child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner’s parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* (acting as a parent) relationship.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
  3. If the employee, or the employee’s minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon’s domestic violence leave law (ORS 659A.272).
  4. In the event of certain public health emergencies or other reasons specified under Oregon’s sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

### **Employee Notice of Need for Sick Leave**

**Foreseeable Sick Leave.** If the need for sick leave is foreseeable, an employee must notify their supervisor as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days’ notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of LRAPA. Employees must notify his/her supervisor of any change in the expected duration of sick leave as soon as is practicable.

**Unforeseeable Sick Leave:** If the need for sick leave is unforeseeable, the employee must notify the supervisor as soon as practicable and comply generally with LRAPA’s call-in procedures.

The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, LRAPA may deny the use and legal protections of sick leave.

### **Sick Leave Documentation**

If an employee takes more than three consecutive scheduled workdays as sick leave, LRAPA may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.

## Holidays

LRAPA recognizes eleven (11) holidays each year. All full-time employees will receive their current, regular rate of pay for each holiday. Benefitted part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week.

### **Paid Holidays:**

1.	New Year's Day	January 1st
2.	Martin Luther King Day	3rd Monday in January
3.	Presidents' Day	3rd Monday in February
4.	Memorial Day	Last Monday in May
5.	Juneteenth	June 19 <sup>th</sup>
6.	Independence Day	July 4 <sup>th</sup>
7.	Labor Day	First Monday in September
8.	Veteran's Day	November 11 <sup>th</sup>
9.	Thanksgiving Day	Fourth Thursday in November
10.	Day after Thanksgiving	Friday after Thanksgiving
11.	Christmas Day	December 25 <sup>th</sup>

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

To be eligible for holiday pay, an employee must have worked their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved leave or any other excused absence under LRAPA policy.

Any non-exempt employee required to work on a holiday will receive time and one-half payment for hours worked.

### **Personal Days**

Employees may select 3 (24 hrs.) personal days off with pay during a fiscal year. Benefitted part-time employees are eligible for 1.5 (12 hrs.) annual personal days. Employees who begin employment after the beginning of the fiscal year will receive a pro-rated number of personal days. Personal days hours will be awarded on the first day of the pay period that includes July 1 of each fiscal year and must be used or forfeited by the end of the pay period that includes June 30 of the same fiscal year. Employees must coordinate requests to use personal days with their supervisor. Approval for use of personal days is dependent on staffing needs. Personal days are considered use it or lose it time. There is no allowance for buy out or payment of unused personal days hours.

## **Family Medical Leave**

### **Oregon Family Leave Act (OFLA) Leave Policy**

The following is a summary of Family and Medical Leave policy and procedures under the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Oregon law prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used OFLA Leave. In all cases, applicable Oregon laws, rules, policies, and collective bargaining agreements govern the employee's and LRAPA's rights and obligations, not this policy. Due to not employing at least 50 employees, LRAPA does not have any "eligible employees" for purposes of the federal Family Medical Leave Act (FMLA).

Employees seeking further information should contact his/her supervisor or Human Resources. Please also refer to the "Oregon Family Leave Act" notice posted in the break/kitchen area, which is incorporated here by reference.

### **Definitions**

#### ***Family Member***

"Family member" is defined as a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or "child" (see definition below). The definition of a family member under OFLA has expanded effective September 3, 2023. Under SB 999 (2023), a family member includes:

- A spouse or domestic partner.
- A child of a covered individual or the child's spouse or domestic partner.
- A parent of a covered individual or the parent's spouse or domestic partner.
- A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner.
- A grandparent of a covered individual or the grandparent's spouse or domestic partner.
- A grandchild of a covered individual or the grandchild's spouse or domestic partner.
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

**Note:** that for purposes of parental leave and sick child leave, the child must be either under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

#### ***Child***

"Child" includes a biological, adopted, foster or stepchild, the child of a registered, same-sex domestic partner, or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of Serious Health Condition Leave, the "child" can be any age; for



all other types of leave under OFLA, the “child” must be under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

#### *Eligible Employee*

OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA - For purposes of Oregon Military Family Leave Act leave, the employee needs to have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA) who seek

#### *OMFLA leave.*

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. See definition of “public health emergency” definition below.

#### *Serious Health Condition*

“Serious health condition” is defined under OFLA as an illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. “Serious health condition” also includes any period of absence for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

Other conditions may qualify as “serious health conditions;” please see your supervisor for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as “serious health conditions.”

#### *Public Health Emergency*

A “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. An example of this is when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

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## **Reasons for Taking Leave**

Family Medical Leave is defined to include and may be taken under any of the following circumstances:

1. **Employee's Serious Health Condition Leave:** To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.
2. **Family Member's Serious Health Condition Leave:** To care for a Family Member with a serious health condition.
3. **Oregon Military Family Leave Act Leave ("OMFLA"):** During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.
4. **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care or birth.
6. **Sick Child Leave:** To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick Child Leave is not available if another family member is able and willing to care for the child.
7. **Bereavement Leave.** See the Bereavement Leave Policy.

## **Length of Leave**

In a One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child Leave.
- An additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"); and
- Employees who take the entire 12 weeks of Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

### **One-Year Calculation Period**

The “twelve-month period,” a 12-month period measured forward from the date of the employee's first OFLA leave during which leave is available (also referred to as the “One-Year Calculation Period”) will be determined by a rolling 12-month period measured forward from the date an employee uses any family medical leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

### **Intermittent Leave**

Intermittent or reduced scheduled leave may be taken when medically necessary due to the serious health condition of a covered family member or the employee. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of LRAPA operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both LRAPA and the employee.

### **Employee Responsibilities — Notice**

Employees must provide at least 30 days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30 days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to LRAPA within 24 hours of commencement of the leave.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the supervisor as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify the supervisor within three business days, or as soon as possible.

### **Certification**

Generally speaking, employees must provide sufficient information for LRAPA to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally:

1. Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care provider if the employee has used more than three days (*i.e.*, one, three-day occurrence or three separate instances) of sick child leave within a One-Year Calculation Period.

Employees must furnish LRAPA's requested medical certification information within 15 calendar days after such information is requested by LRAPA. In some cases (except for leave to care for a sick child), LRAPA may require a second or third opinion, at LRAPA's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a medical certification.

### **Medical Certification Prior to Returning to Work**

If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

### **Benefits While on Leave**

LRAPA will continue the employee's health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on an OFLA leave. The leave period, however, will be treated as continuous service (*i.e.*, no break in service) for purposes of vesting and eligibility to participate in LRAPA benefit plans.

### **Job Protection**

Employees returning to work from OFLA will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring OFLA have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated OFLA period, reinstatement may not be available unless the law requires otherwise.

The use of OFLA cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who

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use OFLA for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

An employee who leaves employment with LRAPA for any reason may be eligible for OFLA leave if they are re-employed by LRAPA within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for LRAPA for 180 days or less; please speak with Human Resources for more information.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use accrued paid leave, including personal days, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on OFLA leave. Use of accrued paid leave will run concurrently with OFLA leave.

### **Paid Leave Oregon**

LRAPA provides a Paid Leave Oregon Insurance plan through Oregon Employment Department. This insurance is required by Oregon state law and provides paid time off to eligible employees. This is a protected leave. All health-related information gathered by the insurer and organization during this process will be maintained as confidential. Employees will not be discriminated against or retaliated against for using or trying to use this insurance benefit. We encourage each employee to use the combination of time off and benefits that meets their personal needs.

### **Cost**

Employees will see a deduction from gross wages for each paycheck. The employer will contribute of the employee's gross wages for each paycheck.

The employee and employer minimum and maximum, as well as overall costs, of this coverage will be assessed annually by the Oregon Employment Department and may change. We will provide notice to employees in advance of any change.

### **Eligibility**

Most employees who work in Oregon are eligible to submit a claim. The determination of eligibility will be made by Oregon Employment Department. If an employee disagrees with an eligibility determination, the employee may use the appeal process outlined in the determination notice.

### **Length of leave**

The length of leave is part of the determination process.

An employee may qualify for up to twelve (12) weeks of leave annually, starting from the first day of leave. Employees who are eligible for OFLA may qualify for an additional four weeks of unpaid leave for any OFLA qualifying reason. An additional two (2) weeks of leave may be available if the employee is pregnant, has given birth, or has health needs because of childbirth. The coverage may be approved in *[single day or single week segments]*.

## **Reasons for leave**

Benefits may apply to a variety of situations, including:

### **Family leave** - Caring for members of the employee's family:

During the birth of a child

Bonding with a child in the first year:

- After birth
- Through adoption
- When the child is placed in the employee's home through foster care

To care for a family member with a serious health condition\*.

**Medical leave** - The employee caring for themselves when the employee has a serious health condition\*.

### **Safe leave** - For survivors of:

Sexual assault

Domestic violence

Harassment

Stalking

\* A serious health condition is an illness, injury, impairment, or physical or mental condition that: requires inpatient care, poses an imminent danger of death or possibility of death in the near future, requires constant or continuing care, involves a period of incapacity, involves multiple treatments, or involves a period of disability due to pregnancy.

### **Insurance benefit while on leave**

The amount of benefit the employee will receive will be calculated based upon the employee's earnings for the prior year. This will also be part of the determination of coverage process by the Oregon Employment Department

Employee may make up the difference between the PLO benefit amount and their regular rate of pay. The following leave banks are available for this purpose, *Vacation, Sick Leave, Compensatory Leave, etc.*

### **Notification of the need for leave**

An employee is required to provide the employer with notice of the intention to take leave. For planned events, the employee is required to provide thirty (30) days written notice. For unplanned events, the employee is required to notify the employer within twenty-four (24) hours of the leave and provide written notice within three (3) days. If an employee is incapacitated due to an unplanned event and are unable to meet these obligations, we ask the employee to notify the employer as soon as possible.

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Please complete the Notice Form by requesting a form from the Human Resources Director for a copy.

Employees will need to establish an account at Frances Online and file claims electronically. This is the electronic system of record for the Oregon Employment Department. Employees are responsible for submitting the required paperwork and any updates or changes to their claim. The employer will be unable to complete the application process on the employee's behalf.

### **Job and Benefit Protection while on leave**

If an employee has been employed with the employer for at least ninety (90) days prior to the leave, the employee will be restored to the same position upon their return if the same position exists. If the same position does not exist [*Choose the statement below that represents your organization's employee count to finish this sentence.*

Twenty-five or more employees – Employees are entitled to a position equal to their previous position before you took leave, with equal employment benefits, pay and other terms and conditions.

OR

Fewer than twenty-five employees – Employees will be restored to a different position with similar job duties and the same employment benefits and pay. This position may or may not have the same terms and conditions.]

If, at the time of leave, the employee is receiving health benefits these will be maintained.

The employee will be required to pay their portion of all elected benefits premiums while on leave.

### **Complaints Procedure**

LRAPA prohibits discrimination and harassment against an employee who takes protected paid leave. Conduct that violates LRAPA's no-harassment and no-discrimination policies will not be tolerated and may subject an employee to discipline, up to and including termination. See the No-Harassment Policy on page 6.

Employees who have experienced discrimination or harassment, or have witnessed such behavior, should bring the matter to the attention of a supervisor or member of management as soon as possible.

### **Holiday Pay While on Leave**

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.



## **Leave of Absence**

### **Bereavement Leave**

In the case of a death in an employee's immediate family, are eligible up to five days off with pay to allow an employee to make funeral arrangements and/or to attend the funeral. The immediate family includes spouse or registered domestic partner, children (including stepchildren), parents (including stepparents or *in loco parentis*), sisters, brothers, mother and father-in-law, sister and brother-in-law, grandparents, and grandchildren. To qualify for bereavement, pay, employees may be required to provide substantiating information. Approved time off in excess of five days will be charged against the employee's accrued paid time off or may be taken without pay.

Generally, employees who work less than 20 hours/week are not eligible for any benefits or compensation beyond wages. The exception to the "No Benefits" policy is Bereavement Leave. Bereavement Leave will be pro-rated according to the number of hours regularly worked, for employees who work less than 40 hours per week.

### **Under the Oregon Family Leave Act (OFLA)**

Employees who have worked for LRAPA for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of unpaid bereavement leave per death of a Family Member. Employees who have worked for LRAPA for 90-180 days may use up to 40 hours of accrued vacation for bereavement purposes, and who have experienced the death of a Family Member. Employees who have worked for LRAPA for fewer than 90 days are not eligible for leave, except as defined by Oregon Family Leave Law. Contact your supervisor for more information.

**Who is a family member for purposes of taking OFLA bereavement leave?** An employee's spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with whom the employee is or was in a relationship of *in loco parentis*. Family members also include the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner.

### **Jury and Witness Duty**

#### **Jury Duty**

An employee will receive that employee's regular wages when absent from work due to jury duty responsibilities or because the employee is subpoenaed to testify in court. Employees are required to turn in any statutory per diem received for jury duty service.

Employees may keep any mileage reimbursement paid by the court. If dismissed from jury duty before the end of the scheduled workday, the employee is required to report to the office for the remainder of the day.

#### **Witness Duty**

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled



hours, the employee is subpoenaed to testify, and the employee submits witness fees to Finance upon receipt.

Except for employee absences covered under LRAPA's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. Leave without pay will be granted if the employee does not have any available accrued time. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

### **Religious Observances Leave and Accommodation Policy**

LRAPA respects the sincerely held religious beliefs and observances of all employees. LRAPA will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on LRAPA's business. Employees may use personal days, vacation, or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made to the supervisor and may require the requesting employee to provide proof of the "sincerely held" religious belief.

### **Crime Victim Leave Policy**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable use of accrued vacation or unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period; may be eligible for Paid Leave Oregon.
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to your supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, LRAPA may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

## **Domestic Violence Leave and Accommodation Policy**

All employees are eligible for reasonable use of VACATION or unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation leave while on this type of leave. May be eligible for Paid Leave Oregon.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. LRAPA will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give LRAPA notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking are entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on LRAPA. Please contact your supervisor immediately with requests for reasonable safety accommodations.

## **Military Leave**

Employees who are called to active or training military duty with any of the armed forces of the United States may be entitled to leave and reinstatement for military service pursuant to the provisions of Uniformed Services Employment and Reemployment Act (USERRA) and Oregon law. Employees who are called to active or training military duty must provide written or verbal notice of orders activating the employee to duty. Employees who are activated to duty will be provided leave in accordance with the provisions of USERRA and Oregon law. Employee benefits during military leave and employee reinstatement rights will be determined in accordance with the provisions of USERRA and Oregon law. Employees are entitled to reinstatement upon completion

of military service, provided the employee returns or applies for reinstatement within the time allowed by law.

Further, eligible employees called for annual active duty for training as a member of the Armed Forces, National Guard, National Guard Reserve, or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, will be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. The employee must provide a copy of the training orders to receive this benefit. Weekend drill obligations are not considered “federal active duty” for training under this policy; other requirements apply. Please contact your supervisor for more information and arrangements for this leave.

## **Employee Benefits**

### **Benefits**

Employees who meet the definition of “benefit eligible” under both LRAPA policy and LRAPA’s current health care insurance provider are entitled to the benefit options. LRAPA offers medical/dental/vision insurance for all of its regular, full-time employees unless otherwise established by law. Annually healthcare coverage is reviewed and based on available funds, LRAPA offers to pay a percentage of the employee’s monthly premium. Those covering dependents are expected to pay part of the monthly premium. During the budgeting process, LRAPA reviews costs and available funds before making co-payment decisions. LRAPA works hard to manage health costs. Monthly rates are published during open enrollment of each year.

In addition to health/dental/vision benefits, LRAPA, offers several other benefits including LRAPA paid life insurance, LRAPA paid long-term disability, employee purchased employee and dependent life insurance (as of Jan. 1, 2023), employee paid identity protection, trauma, critical illness, hospitalization, and accident coverage, and employee paid flexible spending and dependent care contributions.

Through VOYA, LRAPA offers a deferred comp program. In conjunction with the State of Oregon, LRAPA is a member of the Public Employee Retirement System (PERS).

### **Employee Assistance Program (EAP)**

This free, confidential service is provided by Canopy and is available to all employees and dependents covered on a LRAPA medical plan. EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol, or drug abuse, grieving a loss, and career development services.

Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

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More information regarding this service can be obtained by contacting Human Resources, or Canopy directly at 1-800-433-2320, or at canopywell.com.

### **Workers' Compensation and Safety**

Under Oregon law, employees are protected by workers' compensation insurance. This insurance covers occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

#### **Steps to Take if You are Injured on the Job**

Employees injured on the job are required to notify the supervisor no later than 24 hours after your injury.

Employees seeking treatment for a work-related injury and wanting to apply for workers' compensation benefits, the following must be completed:

1. Report any work-related injury to your supervisor no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

*Failure to timely follow these steps may negatively affect the ability to receive benefits.*

#### **Return to Work**

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. LRAPA does not discriminate against employees who suffer a workplace injury or illness.

#### **Early Return-to-Work Program**

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by LRAPA, injured employees and their treating physicians, and our workers' compensation LRAPA EMPLOYEE HANDBOOK V2023 HRA Review 12-23

insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, LRAPA will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with LRAPA. While you are on modified or transitional work, you are still subject to all other LRAPA rules and procedures.

### **Overlap with Other Laws**

LRAPA will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

### **PERS (Public Employees' Retirement System) Benefits**

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

LRAPA will consider allowing PERS-eligible employees to retire from his/her employment with LRAPA and then rehire them, as permitted under Oregon law. LRAPA will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of LRAPA, and the ability of existing employees to perform the work of the retiring employee. Please contact your supervisor for more information.

## **Miscellaneous Policies**

### **Alcohol/Drug Use, Abuse and Testing**

LRAPA works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to LRAPA's reputation.

LRAPA expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective, and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the



workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law provisions.) This policy revises and supersedes all previous drug and alcohol testing policies and practices.

### **Prohibited Conduct**

The following examples of prohibited conduct do not apply to law enforcement employees who possess drugs, alcohol or other items identified in this policy in connection with law enforcement work.

- Possession, transfer, use or being under the influence of any alcohol while on LRAPA property, on LRAPA time, while driving LRAPA vehicles (or personal vehicles while on LRAPA business), or in other circumstances which adversely affect LRAPA operations or safety of LRAPA employees or others.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol “hangover” adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance while on LRAPA property, on LRAPA time, while driving LRAPA vehicles (or personal vehicles while on LRAPA business), or in other circumstances which adversely affect LRAPA operations or safety of LRAPA employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in system while on LRAPA property or on LRAPA time.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
  - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington, or any other state's law.
- Bringing to LRAPA property, or possessing, items or objects on LRAPA property that contain any “controlled substance,” including, for example, “pot brownies,” “edibles” and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other “controlled

substance” to co-workers, members of the public, or elected officials while on work time or on/in LRAPA property.

Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, “vape” pens, smoking masks, roach clips, and or other drug paraphernalia.

- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to LRAPA property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

### **Prescription Drugs and Medical Marijuana**

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or LRAPA operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect LRAPA operations or safety of LRAPA employees or other persons, LRAPA may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide LRAPA with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as LRAPA will not agree to allow an employee to use medical marijuana as an accommodation.

### **Testing**

LRAPA reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safety-sensitive position to a drug and alcohol test.
- b. Test employees reasonably suspected of using drugs or alcohol in violation of this policy.
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and



- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a LRAPA vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when LRAPA reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

### **Reasonable Cause Testing**

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, LRAPA may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood, and urine. No testing shall be performed under this rule without the approval of your supervisor or the supervisor's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior.
  - information provided by a reliable and credible source.
  - direct observation of drug or alcohol use.
  - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
  - unexplained significant deterioration in individual job performance.
  - unexplained or suspicious absenteeism or tardiness.
  - employee admissions regarding drug or alcohol use; and
  - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to your supervisor. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the

results in writing by your supervisor. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### **Search of Property**

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on LRAPA property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, LRAPA may search furniture, equipment or other property provided to the employee by LRAPA, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any property, equipment or supplies provided by LRAPA to employee.

### **Employee Refusal to Test/Search**

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs, or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### **Crimes Involving Drugs and/or Alcohol**

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction.
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

### **Drug and Alcohol Treatment**

LRAPA recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. LRAPA is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask the supervisor for assistance.

LRAPA will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment

program will be a shared financial responsibility of the employee and LRAPA to the extent its existing benefits package covers some or all of the program costs.

Although LRAPA recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of LRAPA policy is discovered, the employee's willingness to seek LRAPA or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### **Discipline and Consequences of Prohibited Conduct**

An employee who violates this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by LRAPA. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### **Confidentiality**

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or LRAPA is prohibited unless written authorization is obtained from the employee.

### **Mobile Devices Policy**

This policy applies to employee use of cell phones, smart phones, tablets, and similar devices, all of which are referred to as "mobile devices" in this policy.

#### **Cell Phones and Mobile Devices in General**

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or LRAPA-provided mobile devices may not violate LRAPA's policies against harassment and discrimination. Thus, employees who use a personal or LRAPA-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by LRAPA) that is harassing or otherwise in violation of LRAPA's policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or LRAPA-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from the supervisor. This includes, but is not limited to, reviewing, sending and

responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee's obligation from recording time for all hours worked.

### **Employee Use of LRAPA - Provided or Paid For Mobile Devices**

Mobile devices are made available to LRAPA employees on a limited basis to conduct LRAPA's business. Determinations as to which employees receive LRAPA-provided mobile devices will be made on a case-by-case basis by the Executive Director; employees are not guaranteed a cell phone or cellular device. In some cases, LRAPA may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of LRAPA away from the office.

Employees who receive a mobile device from LRAPA must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Unless in an emergency situation, family and friends are prohibited from using an employee's LRAPA-provided mobile device. Further, employees who receive a cell phone or mobile device from LRAPA must acknowledge and understand that because the mobile device is paid for and provided by LRAPA, or subsidized by LRAPA, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if LRAPA has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other LRAPA policy. Employees should have no reasonable expectation of privacy in an LRAPA-provided or -paid for mobile device. An employee who refuses to provide LRAPA access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

### **Mobile Devices and Public Records**

LRAPA-related business conducted on LRAPA-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against LRAPA or individual employees.

### **Employee Use of Mobile Devices with Cameras**

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used during working hours, or at any LRAPA-sponsored function unless authorized to do so by the supervisor or the Executive Director.

### **Mobile Device Use While Driving**

The use of a mobile device while driving may present a hazard to the driver, other employees, and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the

safe operation of LRAPA vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by LRAPA.

Employees are prohibited from using handheld cell phones for any purpose while driving an LRAPA-authorized vehicle or traveling to LRAPA-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or “instant” messages while driving on LRAPA business. Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call or use a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather). It is preferred that the employee locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

### **LRAPA Email and Electronic Equipment and Services**

LRAPA uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet, and any new technologies used in the future. This policy governs the use of such LRAPA property.

#### **Ownership**

All information and communications in any format, stored by any means on or received or transmitted via LRAPA's electronic equipment or services is the sole property of LRAPA.

#### **Use**

All of LRAPA's electronic equipment and services are provided and intended for LRAPA business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites and other electronic services paid for by LRAPA are to be used for LRAPA business only. This means, for example, that employees may not use LRAPA-provided Internet, or LRAPA electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate LRAPA's no-harassment, no-discrimination or bullying policies.
- Play games (including social media games) or to use apps of any kind.
- Engage in any activity that violates the rights of any person or LRAPA, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations).
- Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other LRAPA-specific confidential information.
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).



- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use LRAPA-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). LRAPA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

### **Inspection and Monitoring – No Right to Privacy**

Employee communications, both business and personal, are made using LRAPA electronic equipment and services are not private. Any data created, received, or transmitted using LRAPA equipment services are the property of LRAPA and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on LRAPA's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect LRAPA's ownership of the electronic information, electronic equipment or services, or LRAPA's right to inspect such information. LRAPA reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of LRAPA's electronic equipment and services, including all communications and internet usage and resources/sites visited. LRAPA will override all personal passwords if it becomes necessary to do so for any reason.

### **Personal Hardware and Software**

Employees may not install personal hardware or software on LRAPA's computer systems or mobile devices without approval from the supervisor. All software installed on LRAPA's computer systems must be licensed. Copying or transferring of LRAPA-owned software to a personal device/equipment may be done only for personal devices/equipment used for LRAPA business and with the written authorization of the supervisor.

### **Unauthorized Access**

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by LRAPA management. No employee can examine, change, or use another person's files, output, username, or password unless he/she has explicit authorization from the supervisor to do so.

### **Security**

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

### **Inappropriate Web Sites**

LRAPA's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, or other objectionable materials, or that would otherwise violate LRAPA's policies on harassment and discrimination.

### **Social Media**

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to personal or someone else's web log or blog, journal, or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with LRAPA, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what is posted online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of LRAPA or LRAPA's legitimate business interests may result in disciplinary action up to and including termination.

### **Prohibited Postings**

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any LRAPA policies, including LRAPA's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence that are physically threatening or intimidating, bullying, or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from personal blogs, website, or other social networking site to an LRAPA-owned or maintained website without identifying yourself as an LRAPA employee.

Express only personal opinions. Never represent as a spokesperson for LRAPA unless you are authorized by your supervisor to do so. If LRAPA is a subject of the content being created, be clear and open about the fact that the creator is a LRAPA employee and make it clear that personal views do not represent those of LRAPA or its employees or elected officials.

### **Encouraged Conduct**

Always be fair and courteous to co-workers, the citizens we serve, LRAPA's employees and elected officials, and suppliers or other third parties who do business with LRAPA.

Also, keep in mind that work-related complaints can be resolved by speaking directly with co-workers, or by utilizing our Open-Door Policy, then by posting complaints to a social media outlet. If the decision is made to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, LRAPA employees or elected officials, that might constitute harassment or bullying, and/or that



violate LRAPA policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or LRAPA policy.

Maintain the confidentiality of LRAPA's confidential information. Do not post internal reports, policies, procedures or other internal, LRAPA-related confidential communications or information.

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt LRAPA operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against LRAPA's interest in the effective and efficient fulfillment of its responsibilities to the public.

### **Request for Employee Social Media Passwords**

LRAPA's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor to access a private email account not provided by LRAPA.

Nothing in this policy prohibits LRAPA from requiring an employee to produce content from his/her social media or internet account in connection with a LRAPA-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

### **Confidential LRAPA Information**

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with LRAPA policies, practices, and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical, or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials except in the ordinary course of performing duties on behalf of LRAPA may be removed from our premises without

permission from the supervisor or the Executive Director. Likewise, any materials developed, including but not limited to software, products, patents, and trademarks, by LRAPA's employees in the performance of their jobs is the property of LRAPA and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to LRAPA's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

## **Ethics**

At LRAPA, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of LRAPA or LRAPA's citizens.

Employees of LRAPA are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Coming to LRAPA from work in the private sector may be challenging, including considering that some activities that are considered common business practice in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

For questions about whether an activity meets LRAPA's or Oregon's ethical standards, please talk with your supervisor. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

## **Open-Door Policy**

LRAPA's Open Door Policy is based on our belief that open, honest communication between supervisors, managers, and employees should be a common business practice. LRAPA's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation, when the employee provides the input in good faith. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in LRAPA, please raise them first with your supervisor. If you are not satisfied with the response from your supervisor, or if your issue involves your supervisor, request to have the situation and facts reviewed by Human Resources.

## **Outside Employment**

Generally, employees may obtain employment with an employer other than LRAPA or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of LRAPA time, LRAPA facilities, equipment and supplies, or the prestige or influence of the employee's position with LRAPA. In other words, the employee

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may not engage in private business interests or other employment activities on LRAPA's time or using LRAPA's property.

- The performance of an act that may later be subject to control, inspection, review, or audit by the department for whom the employee works (or by a State agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for LRAPA.

LRAPA requires employees to report outside employment to their supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her supervisor if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

### **Criminal Arrests and Convictions**

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on LRAPA property, or in an LRAPA vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above).
2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use VACATION to cover the absence, and may be subject to disciplinary action, including termination.

### **Political Activity**

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign.
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of LRAPA employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

### **Inclement Weather /Emergency Closing**

Except for regularly scheduled holidays identified by LRAPA (see "Holidays" section, above), LRAPA is open for business Mondays through Fridays during normal

business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the Executive Director or his/her designee will decide whether to and to what extent the office will close during normal working hours.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you are required to contact your supervisor. Unless the Executive Director or his/her designee has closed the office, employees not able to come to work due to safety reasons will be granted approval to use vacation to covered time away from the office.

In the event the Executive Director or his/her designee has closed the office due to an emergency or due to extremely bad weather, LRAPA will pay employees their normal salary for the day.

Note: LRAPA is currently working as hybrid model and employees who are unable to come into the office may work from home.

### **Driving While on Business**

LRAPA provides vehicles for use while on LRAPA business. However, with approval of your supervisor, you may have the option to use your own vehicle. Employees using a private vehicle to conduct LRAPA's business must possess a valid driver's license and must carry auto liability insurance as outlined in Oregon law. Employees who use their own vehicles for authorized LRAPA business use should make any necessary arrangements with their insurance carriers. LRAPA may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with LRAPA, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify LRAPA when there are transactions on your driving record such as speeding tickets and citations.

While on LRAPA business, drivers are expected to make every reasonable effort to operate vehicles safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their supervisor of any subsequent restrictions, limitations, or other changes in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a LRAPA owned vehicle or driving a personal vehicle while on LRAPA business will be responsible for paying any fine associated with a ticket or citation, including parking tickets, and may face discipline up to and including termination.

## **Workplace Violence**

LRAPA recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by LRAPA.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with LRAPA, or that threaten the safety, security, or financial interests of LRAPA. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer, or elected official. Employees should make such reports directly to the supervisor.

LRAPA also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

## **Workplace Inspections — No Right to Privacy or Confidentiality**

This policy applies to inspections and investigations conducted by LRAPA pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by LRAPA; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

## **Smoke-Free Workplace**

LRAPA provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form including, without limitation, cigars and e-cigarettes, and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to LRAPA property, vehicles, or facilities/buildings.

LRAPA buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, LRAPA prohibits tobacco/marijuana use in or around LRAPA vehicles and equipment or machinery.



If you wish to smoke tobacco, you must do so outside of LRAPA's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

### **Hiring of Family Members**

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at LRAPA subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor or Human Resources. The employees and LRAPA will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, LRAPA will make the final decision, based on the organization's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by LRAPA. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

### **Training and Education Aid**

#### **Professional Training**

LRAPA encourages training opportunities for employees which will increase the efficiency and effectiveness of the Agency's operations and services. Training opportunities must be approved in advance by the employee's supervisor. Once approved, employees must complete a training requisition form and have it approved by the supervisor, then forward it to Human Resources. LRAPA will attempt to provide all employees with equitable access to training opportunities.

## **Education Aid**

Subject to budget and resource limitations, the supervisor, with Executive Director's approval may approve payment of up to one-half of the cost of tuition and books for job-related education courses. Employees must attend these courses on their own time unless otherwise approved by the supervisor. If the Agency requires an employee to take a course, the Agency will pay the full cost of books and tuition and the employee may attend during regular work hours. LRAPA will attempt to provide all employees with equitable access to education opportunities.

## **Termination of Employment**

### **Workplace Rules and Prohibited Conduct**

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and LRAPA's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other LRAPA records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any LRAPA property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of LRAPA equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on LRAPA property.
- Carrying firearms or any other dangerous weapon on LRAPA premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on LRAPA property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another LRAPA employee, customer, or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by LRAPA.



- Misrepresentation of LRAPA policies, practices, procedures, or your status or authority to enter into agreements on behalf of LRAPA. Employees may not use LRAPA's name, logo, likeness, facilities, assets, or other resources of LRAPA for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or LRAPA policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by LRAPA or outside regulatory or legislative bodies.
- Harassment or discrimination that violates LRAPA policy.

This statement of prohibited conduct does not alter LRAPA's policy of at-will employment. LRAPA remains free to terminate the employment relationship at any time, with or without cause or notice.

### **Corrective Action/Discipline Policy**

Unless otherwise provided in an individual employment contract, regular employees will be disciplined or discharged only for just cause. Just cause includes, but is not limited to, any violation of these policies or any other communicated work expectation, any illegal or unethical conduct, theft or dishonesty, failure to satisfactorily perform job duties, inappropriate or disruptive conduct toward others, or any other conduct or performance related reason that LRAPA finds to be just cause for discipline or discharge. Trial service, temporary, and limited duration employees are at will employees, and may be discharged at any time without cause and without notice.

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet LRAPA standards, LRAPA will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of LRAPA policies, procedures, and rules and for other inappropriate behavior or conduct, LRAPA may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. LRAPA may also choose to send the employee to a training or an education opportunity.

In all cases, LRAPA will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. LRAPA may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when LRAPA deems such action appropriate.

If LRAPA proposes to impose an economic sanction as discipline (such as suspension without pay, docking of accrued paid time or discharge), the Agency will provide the employee with notice of the proposed discipline and an opportunity to respond before taking final action. If discipline involving an economic sanction is imposed, the employee will be provided with a hearing through the grievance procedure (explained below).

### **Voluntary Termination**

An employee who resigns is considered to have voluntarily terminated his/her employment with LRAPA. Employees are asked to give at least two weeks' notice of the intent to resign. In addition, an employee who fails to report to work for three consecutive scheduled workdays without notice to or approval by his/her supervisor is also considered to have voluntarily terminated employment with LRAPA.

### **Benefits Eligibility**

LRAPA-sponsored health, dental, and vision insurance coverage for eligible employees and their dependents ceases on the last day of the month in which the employee's employment ends. Employees who leave employment for any reason may continue health and dental insurance coverage for up to 18 months as provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA) and any other applicable federal and Oregon law. Employees who wish to continue these benefits are responsible for all costs plus an administrative fee. For further information on continuation of benefits under COBRA, contact Finance/HR Division.

### **Return of LRAPA Property**

Upon termination of employment, all LRAPA property in the possession of the employee, including vehicles, keys, identification badges, and credit cards, shall immediately be returned to the employee's supervisor.

### **Retirement or Resignation from Employment**

If you choose to resign or retire, it is anticipated that you will give LRAPA as much notice as possible, preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days cannot be used in lieu of notice. You must be present on your last working day with LRAPA.

If you do not give two weeks' notice of your intent to leave LRAPA, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the supervisor before making a final decision.

Employees must return all LRAPA property, including issued uniform pieces, phones, computers, identification cards, credit cards, keys, and manuals, to the supervisor on or before their last day of work.

## References

All requests for references or recommendations must be directed to Human Resources. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the internet to discuss a current or former employee’s performance or termination of employment.

By policy, LRAPA discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.



## **Employee Acknowledgment of Receipt of LRAPA'S Employee Handbook, Version 2023 dated December 2023.**

I acknowledge that I have received and will read a copy of v2023 handbook and that a copy of the Handbook is available to me at any time to review in the Human Resources Office.

I understand that LRAPA has adopted the Employee Handbook, v2023 as a general guide about policies, work rules and the work environment, and that LRAPA has the sole discretion to update/change policies at any time. I also understand that the Employee Handbook, v2023, overrides previous versions of the Employee Handbook. I acknowledge that the Employee Handbook, v2023, is not considered an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I have reviewed LRAPA's policies regarding equal employment opportunity and that LRAPA aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to my supervisor, Human Resources, or the Executive Director.

During my employment with LRAPA, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies.  
I have read this acknowledgement carefully before signing.

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Employee Signature

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Date

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Print Employee

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.

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## **LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM**

**To:** Bryan Cutchen, Chair and LRAPA Board Members

**From:** Travis Knudsen, Public Affairs Manager

**Date:** December 14, 2023

**Subject:** Title 47 Outdoor Burning Rules – Reschedule Request for Hearing Authorization

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### **ISSUE STATEMENT**

At the November 9, 2023 Board meeting, the Board authorized a public hearing on proposed revisions to Title 47 – Outdoor Burning for the January 11, 2024 meeting. However, due to the need to allow sufficient time for public notice and comment, staff recommends rescheduling the public hearing to a date no later than March, 2024.

Additionally, staff has identified the need to add several definitions from Oregon DEQ rules to align Title 47. These minor updates are included in the attached proposed rule revisions.

### **BACKGROUND INFORMATION**

The LRAPA outdoor burning rules have been revised and updated several times since 1968, most recently in October 1999, October 2001, February 2008, October 2017, and April 2018. Potential rule revisions were discussed with the LRAPA Board and Citizens Advisory Committee over the past few months. LRAPA also met with the City of Lowell to discuss the changes made to their city code. Staff has demonstrated that the changes will not cause or contribute to an exceedance of any federal ambient air quality standard. Even though the burning season has been expanded by the City of Lowell under their city code, burning would still be restricted by LRAPA based on the Agency's approved burn days.

To meet state-level requirements for public notice and comment periods for proposed rule changes, the public hearing date needs to be postponed to the February or March 2024 Board meeting. This will allow time for the required 30-day public comment period after the notice is published.

Staff has also added several definitions from DEQ rules that were previously overlooked in error. These align Title 47 with existing DEQ definitions and will provide helpful clarification. An updated redline version is attached reflecting these minor definition additions.

LRAPA staff has drafted a redline-strikeout version with these draft changes seen in Attachment A. The proposed amendments are also summarized in the crosswalk table of Attachment B.

### **OPTIONS FOR CONSIDERATION**

1. Reschedule the public hearing on proposed revisions to Title 47 for a date no later than March 2024 Board meeting.
2. Provide additional direction to staff on the proposed rulemaking and public process.

**STAFF RECOMMENDATION**

Staff recommends rescheduling the public hearing on proposed revisions to Title 47 to a date no later than March 2024.

**SUGGESTED MOTION**

I MOVE TO APPROVE THE ABOVE STAFF RECOMMENDATION.

**ATTACHMENTS**

Attachment A – Proposed revisions to LRAPA Title 47 Outdoor Burning Rules (redline version).

Attachment B – Crosswalk summary of proposed revisions to LRAPA Outdoor Burning Rules.

## Crosswalk of Proposed Revisions to LRAPA Title 47 Outdoor Burning

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
<b>General Revisions to Title 47</b>				
<b>Revisions to Section Numbering and Section Titles</b>				
	Throughout		Formatting updates and changes throughout.	To provide consistent formatting and style across LRAPA titles.
	47-015 (2) Residential Outdoor Burning Requirements		Removing 2 (g) in its entirety will affect the current numbering. Reformatting will need to be completed as necessary.	Reformatting
	47-015 (2) Residential Outdoor Burning Requirements		<p>Remove (2) (g) <del>Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.</del></p> <p>Add language to (2) h: Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, <u>Lowell</u>, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.</p>	The City of Lowell revised their code to allow for residential outdoor burning from October 1 through June 15. The change is now in conflict with Title 47 language and this revision will eliminate the inconsistency.



No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
	47-010 Definitions		<p><b>Add a definition for Agricultural Burning:</b>  <u>“Agricultural burning for disease or pest control” means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.</u></p> <p><b>Add a definition for Animal Disease Emergency:</b>  <u>“Animal disease emergency” means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.</u></p> <p><b>Add a definition for Burn Barrel:</b>  <u>“Burn barrel” means a metal container used to hold combustible or flammable materials so they can be ignited outdoors for the purpose of disposal.</u></p> <p><b>Add a definition for Fire Hazard:</b>  <u>“Fire hazard” means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.</u></p> <p><b>Add a definition for Hazard to public safety:</b>  <u>“Hazard to public safety” means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.</u></p> <p><b>Add language to the definition of Land Clearing:</b>  <u>“Land clearing” means the removal of trees, brush, logs, stumps, debris, or man-made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, woody yard trimmings (domestic waste) and slash.</u></p>	<p>Terms are used in LRAPA's existing title 47 but are not defined. These are in alignment with DEQ definitions.</p>

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
	47-010 Definitions		<p><b>Remove language in the definition of Outdoor burning regarding “incinerators.”</b></p> <p>"Outdoor burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels, <del>incinerators which do not meet emission limitations specified in Title 30 of LRAPA's Rules and Regulations</del></p>	Meeting emission limitations does not determine whether an activity is determined to meet the definition of outdoor burning.

# LANE REGIONAL AIR PROTECTION AGENCY

## TITLE 47

### OUTDOOR BURNING

Outdoor burning in compliance with the sections in LRAPA ~~Title-title~~ 47 does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

#### **Section 47-001 General Policy**

In accordance with OAR 340-264-0160(1), the rules and regulations of LRAPA apply to outdoor burning in Lane County. In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the County, it is the policy of the ~~Lane Regional Air Protection Agency~~LRAPA to eliminate outdoor burning disposal practices where alternative disposal methods are feasible. As a result, all outdoor burning is prohibited in Lane County except as expressly allowed by ~~Title~~ 47 or if exempted from ~~Title-title~~ 47 by Oregon ~~Statute~~statute. Contained in this title are the requirements for the outdoor burning of residential, construction, demolition, commercial, industrial waste, forest slash waste on properties outside areas covered by the Oregon Smoke Management Plan, bonfires, and for ecological conversion.

*Section 47-001 Amended 03/14/08 (Amended 10/12/17)*

#### **Section 47-005 Exemptions from LRAPA Title 47**

- (1) ~~(1)~~—Statutory exemptions. Due to Oregon statutory exemptions, this title ~~shall~~does not apply to the following:
  - (a) The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in paragraph 47-015(1)(e) ~~shall~~must not be used as fuel.
  - (b) Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.
  - (c) Agricultural outdoor burning conducted pursuant to ORS 468A.020. Agricultural outdoor burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
  - (d) Outdoor burning on forest land permitted under the Oregon Department of

(2) ~~(2)~~ — Other exemptions.

- (a) Recreational fires are allowed when set for recreational purposes on private property or in designated recreational areas (such as parks, recreational campsites, and campgrounds). Prohibited materials listed in [paragraph 47-015\(1\)\(e\)](#), woody yard trimmings, leaves and grass clippings ~~shall~~must not be burned. Within the Eugene and Springfield Urban Growth Boundaries and within the city limits of Oakridge and surrounding Oakridge urban growth boundary, these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of October through May unless extended by LRAPA. ~~[NOTE: LOCAL ORDINANCES FROM MUNICIPALITIES, RULES FROM LOCAL FIRE DISTRICTS, AND RULES FROM THE OREGON DEPARTMENT OF FORESTRY AND THE STATE FIRE MARSHAL MAY BE MORE PROHIBITIVE.]~~ *[Note: Local ordinances from municipalities, rules from local fire districts, and rules from the Oregon Department of Forestry and the State Fire Marshal may be more prohibitive.]*
- (b) Outdoor barbecuing connected to a group outing, festival, fair or similar occasion when food is cooked by a fire that is sized proportionally to the amount of food being cooked, is allowed, except that prohibited materials listed in [paragraph 47-015-\(1\)\(e\)](#), woody yard trimmings, leaves, grass clippings, commercial, industrial, construction, and demolition waste ~~shall~~must not be burned.

Religious ceremonial fires as defined in ~~Section~~section 47-010 are allowed. Prohibited materials listed in [paragraph 47-015\(1\)\(e\)](#), woody yard trimmings, leaves and grass clippings ~~shall~~must not be burned. Larger fires would be required to be permitted under the “Bonfire” requirement.

*Section 47-005 Amended 03/14/08 (Amended 10/12/17)*

### **Section 47-010 Definitions**

The definitions in LRAPA ~~Title-title~~ 12 and this section apply to this title. If the same term is defined in this section and ~~Title-title~~ 12, the definition in this section applies to this title.

(1) "Agricultural burning for disease or pest control" means open burning of waste infected or infested with a disease or pest for which the County Extension Service or Oregon Department of Agriculture identify as having no other practicable control.

~~(1)(2)~~ — "Agricultural outdoor burning" means the outdoor burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.

~~(2)(3)~~ — "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting

and the sale of crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. It does not include the construction and use of dwellings or structures customarily provided in conjunction with the agricultural operation.

~~(3)~~(4) ——— "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in paragraph 47-015(1)(e).

(5) "Animal disease emergency" means the occurrence of a disease that the Oregon Department of Agriculture determines has potentially serious economic implications for the livestock industries of this state.

~~(4)~~(6) Bonfire" means a controlled outdoor fire (combustible pile larger than three (3) feet in diameter and two (2) feet in height) held for celebratory, religious ceremonial, or entertainment purposes. The fire cannot serve as a disposal fire for woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in paragraph 47-015(1)(e) ~~shall~~must not be burned. Bonfires may include clean woody construction/demolition/commercial material.

~~(7)~~ Burn Barrel" means a metal container used to hold combustible or flammable materials so they can be ignited outdoors for the purpose of disposal.

~~(5)~~(8) ——— "Commercial outdoor burning" means the outdoor burning of "commercial wastes," which are materials actually generated or used by a commercial operation including removed and transported materials, and excluding those materials described in paragraph 47-015(1)(e).

~~(6)~~(9) ——— "Construction outdoor burning" means the outdoor burning of "construction wastes," which are materials actually resulting from or produced by a building or construction project, excluding those materials described in paragraph 47-015(1)(e). The outdoor burning of construction waste materials which are actually resulting from or produced by a building or construction project, excluding those materials described in paragraph 47-015(1)(e), that are transported from tax lot of origin is ~~C~~commercial outdoor burning.

~~(7)~~(10) ——— "Demolition outdoor burning" means the outdoor burning of "demolition wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in paragraph 47-015(1)(e). The outdoor burning of demolition waste materials which are actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in paragraph 47-015(1)(e), that are

transported from tax lot of origin is ~~E~~commercial outdoor burning.

~~(8)(11)~~ ——— "Eugene and Springfield Urban Growth Boundaries" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

~~(12)~~ "Fire hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or adjacent lands.

~~(9)(13)~~ "Forest slash outdoor burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash outdoor burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.

~~(10)(14)~~ ——— "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.

~~(11)(15)~~ "Hazard to public safety" means fires that burn prohibited materials or result in smoke that substantially impairs visibility on a roadway.

~~(12)(16)~~ ——— "Industrial outdoor burning" means the outdoor burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in paragraph 47-015(1)(e).

~~(13)(17)~~ ——— "Land clearing" means the removal of trees, brush, logs, stumps, debris, or man-made structures for the purpose of site clean-up or site preparation. All waste material generated by land clearing is demolition waste except those materials included in the definitions of agricultural wastes, woody yard trimmings (domestic waste), and slash.

~~(14)(18)~~ ——— "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.

~~(15)(19)~~ ——— "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. (See Title title 12 of LRAPA's Rules and Regulations)

~~(16)(20)~~ ——— "Outdoor burning (alternatively referred to as open burning)" includes burning in open fires, burn barrels ~~incinerators which do not meet emission limitations specified in Title title 30 of LRAPA's Rules and Regulations~~, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

~~(17)~~(21) ——— “Outdoor Burning Letter Permit (OBLP)” means an authorization issued pursuant to ~~Section~~section 47-020 to burn select materials at a defined site and under certain conditions.

~~(18)~~(22) ——— “Recreational fire” means a small fire (combustible pile no larger than three (3) feet in diameter and two (2) feet in height), limited to campfires or fires lit in chimineas, patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in paragraph 47-015(1)(e).

~~(19)~~(23) ——— “Religious ceremonial fire” means a small, controlled outdoor fire (combustible pile no larger than three (3) feet in diameter and two (2) feet in height), integral to a religious ceremony or ritual. Religious ceremonial fires may use charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and may occur in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings. Prohibited materials listed in ~~paragraph~~Section 47-015(1)(e) ~~shall~~must not be burned.

~~(20)~~(24) ——— “Residential outdoor burning” means the outdoor burning of clean, woody yard trimmings which are ~~actually~~ generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials ~~actually~~ generated in or around a dwelling of more than four (4) family living units are commercial wastes.

~~(21)~~(25) ——— “Responsible person” means each person who is in ownership, control, or custody of the property on which the outdoor burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows outdoor burning to be initiated or maintained.

~~(22)~~(26) ——— “Salvage” as used in ~~Title~~title 47, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.

~~(23)~~(27) ——— “Woody Yard Trimmings” means woody limbs, branches and twigs with any attached leaves which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

*Section 47-010 Amended 03/14/08 (Amended 10/12/17)*

## **Section 47-015 Outdoor Burning Requirements**

- (1) ~~(1)~~ — General requirements to be met by all outdoor burning conducted in accordance with LRAPA’s Rules and Regulations:



- (a) ~~(a)~~—All outdoor burning ~~shall~~must be constantly attended by a responsible person or an expressly authorized agent, until extinguished.
- (b) ~~(b)~~—A responsible person ~~to~~must promptly extinguish any burning which is in violation of any of LRAPA's Rules and Regulations or of any permit issued by ~~the Agency~~LRAPA.
- (c) ~~(c)~~—No person ~~shall~~may cause, or allow to be initiated or maintained, any outdoor burning which is prohibited by the burning advisory issued by ~~the Agency~~LRAPA.
- (d) ~~(d)~~—No person ~~shall~~may cause, or allow to be initiated or maintained, any outdoor burning which creates a nuisance or a hazard to public safety.
- (e) ~~(e)~~—No person ~~shall~~may cause, or allow to be initiated or maintained, outdoor burning of any material which normally emits dense smoke, noxious odors, or hazardous air contaminants; such materials may include but are not limited to garbage, plastics, wire insulation, automobile parts, asphalt, petroleum by-products, petroleum-treated materials, rubber products, cardboard, clothing, animal remains, grass clippings.
- (f) ~~(f)~~—To promote efficient burning and prevent excessive emissions of smoke, each responsible person ~~shall~~must assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.
- (g) No person ~~shall~~may cause, or allow to be initiated or maintained, any outdoor burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to ~~Oregon Administrative Rules (OAR) 340-094093-00400050~~. ~~The Agency~~LRAPA ~~shall~~must be notified by the responsible person prior to such burning.
- (h) ~~(h)~~—All burning ~~shall~~must be conducted in accordance with local fire safety regulations, including required minimum distances from structures.
- (i) ~~(i)~~—Burning in ~~a burn barrel~~barrels is prohibited.

## (2) Residential Outdoor Burning Requirements

The residential outdoor burning season is October 1 through June 15, with the following restrictions:

- (a) ~~(a)~~—Residential outdoor burning is allowed only on approved burning days with a valid fire permit (if required by fire district). The start and end times for burning vary and are set as part of the daily burning advisory issued by ~~the Agency~~LRAPA.

- (b) ~~(b)~~ Outdoor burning within Eugene city limits is prohibited.
- (c) ~~(c)~~ Outdoor burning outside the Eugene city limits but within the Eugene Urban Growth Boundary is prohibited except outdoor burning of woody yard trimmings is allowed on lots of two (2) acres or more on approved burn days from March 1 through June 15 and October 1 through October 31.
- (d) ~~(d)~~ Outdoor burning within Springfield city limits and the surrounding Springfield urban growth boundary is prohibited except that burning of woody yard trimmings is allowed on lots of one-half acre or more on approved burn days from March 1 through June 15 and October 1 through October 31.
- (e) ~~(e)~~ Outdoor burning within Florence city limits is prohibited per Florence city ordinance.
- (f) ~~(f)~~ Outdoor burning within Oakridge city limits and surrounding Oakridge urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through June 15 and October 1 through October 31.
- ~~(g)~~ ~~(g)~~ Outdoor burning within Lowell city limits and surrounding Lowell urban growth boundary is prohibited November through February except that burning of woody yard trimmings is allowed on approved burn days from March 1 through May 31 and October 1 through October 31.
- ~~(h)~~(g) Outdoor burning is prohibited within the Coburg, Cottage Grove, Creswell, Dunes City, Junction City, Lowell, Veneta, and Westfir city limits except for the outdoor burning of woody yard trimmings on approved burn days from October 1 through June 15.
- ~~(i)~~(h) Within fire districts identified below and outside the city limits of Oakridge and surrounding urban growth boundary and outside the city limits of Cottage Grove, Coburg, Creswell, Junction City, Lowell, and Veneta the residential outdoor burning of woody yard trimmings and leaves is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:
  - (A) ~~(1)~~ Bailey-Spencer RFPD
  - (B) ~~(2)~~ Coburg Fire District
  - (C) ~~(3)~~ Dexter RFPD west of the Willamette Meridian
  - (D) ~~(4)~~ Eugene RFPD #1
  - (E) ~~(5)~~ Goshen Fire District
  - (F) ~~(6)~~ Hazeldell RFPD
  - (G) ~~(7)~~ Junction City RFPD
  - (H) ~~(8)~~ Lane County Fire District #1 (Lane Fire Authority)
  - (I) ~~(9)~~ Lane Rural Fire/Rescue (Lane Fire Authority) outside the Eugene and Springfield Urban Growth Boundaries
  - (J) ~~(10)~~ Lowell RFPD
  - (K) ~~(11)~~ McKenzie Fire & Rescue outside the Eugene and

- Springfield Urban Growth Boundaries
- (L) ~~(12)~~ Mohawk Valley RFPD
  - (M) ~~(13)~~ Monroe RFPD, that portion within Lane County
  - (N) ~~(14)~~ Oakridge Fire & EMS
  - (O) ~~(15)~~ Pleasant Hill RFPD
  - (P) ~~(16)~~ Santa Clara Fire District outside the Eugene and Springfield Urban Growth Boundaries
  - (Q) ~~(17)~~ Siuslaw Valley Fire & Rescue
  - (R) ~~(18)~~ South Lane County Fire & Rescue
  - (S) ~~(19)~~ Westfir Fire Department
  - (T) ~~(20)~~ Willakenzie RFPD
  - (U) ~~(21)~~ Zumwalt RFPD

~~(j)~~(i) Residential outdoor burning of woody yard trimmings and leaves is allowed in Lane County, outside of the affected areas defined in paragraph 47-015(2)(b) through (i) of this section, on approved burn days from October 1 through June 15. *(Note: Some fire districts require burning permits. Fire districts may restrict burning whenever fire danger dictates. Persons wishing to conduct residential outdoor burning should check first with their fire district.)*

~~(k)~~(j) Failure to conduct residential outdoor burning in accordance with this section is a violation of ~~Title~~title 47 and may be cause for assessment of civil penalties. Citations will be issued by authorized enforcement agents to responsible person(s) where residential outdoor burning rules are violated pursuant to this section.

(3) Construction/Demolition Outdoor Burning Requirements

- (a) Construction/demolition outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
- (b) ~~(b)~~ Construction/demolition outdoor burning is prohibited inside the affected areas described in paragraph 47-015(2)(i), unless authorized pursuant to title 47-020.
- (c) ~~(c)~~ Construction/demolition outdoor burning is allowed elsewhere in Lane County, subject to the general requirements of subsection 47-015(1).

(4) Commercial Outdoor Burning Requirements

- (a) Commercial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
- (b) Commercial outdoor burning is prohibited elsewhere, unless authorized pursuant to section 47-020.

(5) Industrial Outdoor Burning Requirements

- (a) Industrial outdoor burning is prohibited inside the Eugene and Springfield Urban

Growth Boundaries.

- (b) ~~(b)~~—Industrial outdoor burning is prohibited elsewhere, unless authorized pursuant to [section](#) 47-020.
- (6) Forest Slash Outdoor Burning
- (a) ~~(a)~~—Forest slash outdoor burning in areas covered by the Oregon Smoke Management Plan is regulated by the Oregon Department of Forestry ~~(ODF)~~ pursuant to ~~Oregon Revised Statutes (ORS)~~ 477.515.
  - (b) ~~(b)~~—Forest slash outdoor burning in Lane County which is in areas outside the Oregon Smoke Management Plan is treated by LRAPA as follows:
    - (A) ~~(A)~~—Forest slash outdoor burning is prohibited inside the Eugene and Springfield Urban Growth Boundaries.
    - (B) ~~(B)~~—Forest slash outdoor burning elsewhere in Lane County, on properties which are not covered by the ODF Smoke Management Plan, is prohibited unless authorized pursuant to [section](#) 47-020.
    - (C) ~~(C)~~—Forest slash outdoor burning will be coordinated with the ODF South Cascade and Western Lane districts; to ensure burning complies with resource protection standards under the Oregon Forest Practices Act.

*Section 47-015 Amended 03/14/08 (Amended 10/12/17)(Amended 04/12/18) ([Amended 01/11/24](#))*

### **Section 47-020 Outdoor Burning Letter Permits (OBLP)**

- (1) ~~(1)~~—Outdoor burning of commercial, industrial, construction, demolition, or forest slash wastes on a singly occurring or infrequent basis, which is otherwise prohibited, and a bonfire held for a single event, may be permitted by a letter permit issued by ~~the Agency~~[LRAPA](#) in accordance with this title and subject to the general requirements in [subsection](#) 47-015(1).
- (2) ~~(2)~~—Prescribed burning of standing vegetation for the purpose of species or wetland conversion, pursuant to federal or state laws or programs to promote or enhance habitat for indigenous species of plants or animals, which is otherwise prohibited, may be permitted by a letter permit issued by ~~the Agency~~[LRAPA](#) in accordance with [section](#) 47-020. These permits require a permit fee of \$1,000. The Director in ~~his or her~~[their](#) discretion may compromise the permit fee based upon factors that include, but are not limited to, complexity of the permit, number of proposed units, staff resources required or projected to be required relative to monitoring, public outreach and complaint response.
- (3) ~~(3)~~—Prior to any burning, the applicant must also obtain a valid fire permit issued by the fire permit issuing agency having jurisdiction.
- (4) ~~(4)~~—Permits issued for outdoor burning other than prescribed burning of standing

vegetation ~~as~~ described ~~above~~ in subsection 47-020(2), require a permit fee of \$10 per cubic yard, with a minimum fee of \$100.

- (5) ~~(5)~~—The following factors ~~shall~~ will be evaluated in determining whether a letter permit will be approved or denied:
- (a) ~~(a)~~—The quantity, type, and combustibility of the materials proposed to be burned;
  - (b) ~~(b)~~—The costs and practicability of alternative disposal methods, including on-site and landfill disposal and salvage;
  - (c) ~~(c)~~—The seasonal timing and expected duration of the burn;
  - (d) ~~(d)~~—The willingness and ability of the applicant to promote efficient combustion by using heavy equipment, fans, pit incineration, or other appropriate methods;
  - (e) ~~(e)~~—The location of the proposed burn site with respect to potential adverse impacts;
  - (f) ~~(f)~~—The expected frequency of the need to dispose of materials by burning in the future;
  - (g) ~~(g)~~—Any prior outdoor burning violations by the applicant; and
  - (h) ~~(h)~~—Any additional relevant information.
- (6) ~~(6)~~—Upon receipt and review of the required information, ~~the Agency~~ LRAPA may approve the application if it is satisfied that:
- (a) ~~(a)~~—The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists;
  - (b) ~~(b)~~—The proposed burning will not cause or contribute to significant degradation of air quality; and
  - (c) ~~(c)~~—There will be no actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree.
- (7) ~~(7)~~—~~The Agency~~ LRAPA may revoke or suspend an issued letter permit, with no refund of the fee, via written or verbal notice, on any of the following grounds:
- (a) ~~(a)~~—Any material misstatement or omission in the required application information;
  - (b) ~~(b)~~—If the conditions of the permit are being violated;
  - (c) ~~(c)~~—Any actual or projected violation of any statute, rule, regulation, order,

permit, ordinance, judgment, or decree; and

- (d) ~~(d)~~—Any other relevant factor.
- (8) ~~(8)~~—Failure to conduct outdoor burning according to the conditions, limitations, or terms of a letter permit, or any outdoor burning in excess of that permitted by the letter permit, shall will be a violation of the permit and shall may be cause for assessment of civil penalties or for other enforcement action by the AgencyLRAPA.
- (9) ~~(9)~~—Each letter permit issued by the AgencyLRAPA pursuant to this title shall will contain at least the following elements:
- (a) ~~(a)~~—The location at which the burning is permitted to take place;
  - (b) ~~(b)~~—A description of the material that may be burned;
  - (c) ~~(c)~~—The calendar period during which the burning is permitted to take place;
  - (d) ~~(d)~~—The equipment and methods required to be used by the applicant to insure efficient burning;
  - (e) ~~(e)~~—The limitations, if any, based upon meteorological conditions required before burning may occur;
  - (f) ~~(f)~~—Reporting requirements for both starting the fire and completion of the requested burning;
  - (g) ~~(g)~~—A statement that Section-subsection 47-015(1) is fully applicable to all burning under the permit;
  - (h) ~~(h)~~—Such other conditions that the AgencyLRAPA considers to be desirable; and
  - (i) ~~(i)~~—A statement that the respective fire department may include any control, suppression, safety, or hazard conditions deemed appropriate by the fire department.
- (10) ~~(10)~~—Letter permits issued by the AgencyLRAPA pursuant to this title shall will be forwarded to the fire district permit issuing agency having jurisdiction. The fire district permit issuing agency has the ultimate authority to issue or deny the burn permit.