**PORT OF NEWPORT**
**RESOLUTION NO. 2020-11**

**A RESOLUTION ADOPTING A PORT OF NEWPORT EMPLOYEE HANDBOOK AND REPLACING THE PERSONNEL MANUAL**

**WHEREAS,** the Port of Newport By-laws for the Port of Newport requires the Commission to create personnel rules by resolution; and

**WHEREAS,** the Port Commission adopted a Personnel Manual on December 16, 2016 and has amended the personnel policies periodically; and

**WHEREAS,** Oregon Statute related to employment practices have dramatically changed over the past 4 years; and

**WHEREAS,** the Employee Handbook sets forth the policies, practices and procedures that are to be followed by the Port of Newport in the administration of its personnel program, and are authorized by the By-laws for the Port of Newport Board of Commissioners, Ordinance No. 100, adopted May 22, 2014; **NOW THEREFORE**

**THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:**

**Section 1.** Adopt the Port of Newport Employee Handbook (Exhibit A).

**Section 3.** Staff is directed to codify this policy according to past administrative practices.

**Section 4.** Prior versions of the Personnel Manual are hereby repealed.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS** this 23rd day of June, 2020.

ATTEST:

James Burke, Vice-President

Walter Chuck, Secretary/Treasurer

# Port of Newport
# Employee Handbook

**June 2020**

Main Office
600 SE Bay Blvd, Newport, OR 97365

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# INTRODUCTION

# WELCOME TO THE PORT OF NEWPORT

We're happy to welcome you to the Port of Newport – we're glad you've joined us! We take pride in selecting people such as you to join our organization, and we truly believe you will be a positive addition to our most important asset – our employees.

We hope you will enjoy a productive and pleasant association with us. We have created a work environment, compensation and benefits program, and interactive culture that we believe fosters positive work relationships. We expect that you will enhance the atmosphere by contributing your best efforts in whatever is asked of you.

We believe that you can contribute significantly to our success and want you to share in the growth of our future. We also feel that the best way to help you achieve is to help you understand our organization and your role in it. This Handbook has been prepared as a guide to give you a better understanding of the organization's policies, procedures, and practices. Please familiarize yourself with its contents, and keep it handy for reference.

Our organization values two-way communication, and our "open door" policy encourages you to ask questions if there are policies or procedures you don't understand. We welcome your ideas and suggestions for ways to improve our operations and services or to save unnecessary costs during your employment with us.

Again, welcome to our team. We wish you success in your new position and truly value you and the contribution you make during your employment with us. We sincerely hope you will like it here.

**Paula J. Miranda**
**General Manager**

# OUR HISTORY

The Port of Newport is located on the central Oregon coast in the City of Newport, Lincoln County seat and major business/economic hub of the area, and encompasses approximately 59 square miles and has an estimated population of 10,800 persons. Port boundaries reach north to Otter Rock, east up to six miles inland, south to Seal Rock, and west to the Pacific Ocean. Commercial and sport fishing, fish processing, shipping, tourism, recreation, lumber and science research are the area's major industries.

The Port of Newport serves as the premier Oregon coast port for the commercial fishing fleets, for recreational fishing and tourism, and for ocean observation and marine research support. We are one of the top Oregon coast ports for waterborne commerce while protecting and enhancing the beauty and integrity of the natural environment which is the foundation of our working waterfront community.

**History of the Port of Newport**

On May 26, 1910, the first meeting of Newport's Port Commission was held, where four men appointed by Governor Frank Benson proceeded to elect officers and establish the foundation of what continues to operate today as the Port of Newport. In 1923, the Port of Newport purchased dock frontage and a building, establishing its headquarters on the waterfront. The development of commercial fishing docks occurred over the years, helped considerably by the construction of the first breakwater on the north side of the bay in 1946 to protect commercial boats working halibut, salmon and other fisheries.

In 1948, a private company - Yaquina Bay Dock and Dredge – began constructing a new shipping dock utilizing two sunken World War II ships as the foundation for the structure. The dock, known today at the International Terminal, opened for business in 1949 in the area known as McLean's Point. Over the next several decades, the dock thrived with the shipping of lumber. In 1952, for instance, 164 million feet of lumber shipped from Newport via McLean's Point.

In 1965 Oregon State University's Marine Science Center opened its doors. Although the institution's Yaquina Fisheries Laboratory had dated back to 1939, the center represented a tremendous leap forward with the lease of 50 acres from the Port of Newport on which to construct the main building and visitor center. By 1969, the site had seen more than a half million visitors. In 1982, the Marine Science Center surpassed five million visitors. A year later, it was named for Senator Mark Hatfield and today Hatfield Marine Science Center welcomes more than 150,000 visitors annually. In 2018, the University broke ground on a new $61.7 million Marine Studies Building, with an anticipated completion in 2020.

The 1970s saw continued demand for boat moorage and launches, as both commercial and recreational fishing interests thrived around Yaquina Bay, leading to the construction of the South Beach Marina. The first phase was completed in 1979 and included a 600-berth recreational boat basin and a four-lane launch. The second phase, finished in 1981, included a boat storage building, launch hoist, fish cleaning facilities, restrooms, showers, a public fishing pier, picnic area, and more.

Port properties saw other unique developments in the 1990s. The Oregon Brewing Company occupied the west end of the South Beach Marina exhibition hall starting in 1991. Over time, that lease arrangement grew to include the 47,000-square-foot building headquarters of Rogue Ales and their restaurant, as well as a distillery and cooperage now located on Port property.

Recreation and tourism took another big leap forward in 1992, when the Oregon Coast Aquarium, constructed on Port of Newport property, opened its doors. As of early 2019, the Aquarium had welcomed more than 14 million visitors and is currently undertaking an $18 million capital campaign to further enhance the facility.

In 2006, the Port completed a $3.2 million RV Park that included 92 spaces, store, operations building and registration/activity center on its South Beach campus. Around that same time, the boat ramp was moved and a multi-use area was created that allowed for a dry camping.

The Port of Newport became the homeport for NOAA's Marine Operations Center in April of 2009, which includes state of the art training and ship operations for six NOAA research and survey ships and provides administration, engineering, maintenance and logistical support to NOAA's entire Pacific fleet. With a budget of $38 million and a firm deadline for completion, Port officials worked with community stakeholders to deliver a new facility ahead of schedule.

In August of 2013, the International Terminal construction was completed. The multi-use facility was developed to accommodate a wide variety of users in conjunction with the Port's mission of "retaining and creating business opportunities and increasing economic development for the Port and the community." The project was so successful at resolving the environmental issues surrounding the site, the Port of Newport was awarded the national Phoenix Award – a prestigious award that honors individuals and groups working to solve critical environmental or social challenges and turn them into productive new uses and sustainable development projects.

In 2015, the Port paved that multi-use area located on the South Beach campus, which is still used for dry camping but is also known as the location of Newport's Seafood and Wine Festival and the Loyalty Days carnival.

Today, the Port of Newport continues to be home to a thriving commercial fishing industry. In 2017, Newport ranked 12th in the nation for seafood landings, with 112 million pounds of seafood valued at $53 million attributed to the vessels that work in and around the Port of Newport.

The Port is actively pursuing a partner for cargo business at the International Terminal with a commitment to maximizing the return on investment made by the community for this mixed-use facility.

The Oregon Coast Aquarium, as mentioned previously, is currently engaged in a capital campaign to fund extensive renovations and Hatfield Marine Science Center is currently in the construction phase of a new Marine Studies Building. NOAA Marine Operations Center – Pacific continues to be a source of great pride to the Newport community.

The Port offices are spread across the North and South Side of Yaquina Bay. Located on the South Side of the Bay are the Port's RV park offices and the South Beach Operations center. Located on the North Side of Yaquina Bay are the Commercial Marina Operations Center and the Port Main offices, and located approximately one-half mile west is the Port's International Terminal.

# ABOUT THIS HANDBOOK

This Employee Handbook is a guide to help you understand our employment provisions and expectations. The Handbook applies to all of our employees. It is intended to be a positive document that begins to establish the relationship between us.

Please remember that this Handbook contains only general information and guidelines. It is not intended to address all the possible applications of or exceptions to general policies and procedures. Our policies are based on the belief that common sense, good judgment, and consideration for the rights of others are paramount to our ability to serve our customers and ourselves. While we have tried to anticipate many of your questions, keep in mind that this document won't provide every answer. If you have any questions concerning eligibility for a particular benefit or how a policy or practice applies to you, please ask the Director of Finance and Business Services.

We know that employees have varied skills, goals, perceptions, and values, and that such diversity may create situations not fully addressed within this Handbook. In that event, we'll try to make fair and equitable decisions while making sure that the best interests of the organization are served.

Neither this Handbook nor any other organizational document confers any express or implied contractual right to remain in Port of Newport's employment, nor does it guarantee any fixed terms or conditions of your employment. Your employment is not for any specific period of time and may be terminated at will, with or without reason, and without prior notice by Port of Newport or you for any reason, at any time.

The procedures, practices, policies, and benefits described here may be modified or discontinued from time-to-time. We recognize our responsibility to keep employees informed of changes that may affect them and will provide replacement pages so you can keep your Handbook current.

Some subjects described in this Handbook, such as benefit plan information, are covered in detail in official policy documents. You should refer to these documents for specific information since this Handbook provides summaries only. Please note that when discrepancies occur between benefit language in this Handbook and in the official policy documents, the terms of the written insurance policies are controlling. We encourage you to use caution when making decisions with long-term impact based on our current benefit offerings, given that we may find it necessary to make changes to these programs

The General Manager has the discretion to vary or modify the strict application of the provisions of the rules/policies in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships. The General Manager shall not be required by any personnel to exercise their judgment or discretion to vary or modify any rule or policy.

You are encouraged to offer suggestions for improvement to these policies, employment practices, or working conditions. Please read through the Handbook carefully and share it with your family members so they will also understand your work environment. If you have additional questions or need further details, please talk with your supervisor, who can advise you or refer you to the appropriate resource.

# EMPLOYMENT POLICIES

# EMPLOYMENT RELATIONSHIP

You and the Port of Newport are engaged in an "at-will" employment relationship. Therefore, employment at the Port of Newport is for no definite period of time and may, regardless of the time and manner of payment of wages and salary, be terminated at will. This means that either you or the organization may terminate the employment relationship at any time, with or without reason or advance notice.

No one in the organization has the authority to enter into any agreement contrary to this "at-will" relationship except the General Manager. It cannot be altered, except when in writing and signed by the General Manager and you. The Port of Newport will not make and will not be bound by any oral promises concerning the length or terms of your employment.

# EQUAL EMPLOYMENT OPPORTUNITY

The Port of Newport is an equal opportunity employer and, as such, considers individuals for employment according to their abilities and performance. Employment decisions are made without regard to race, age, religion, color, sex, national origin, physical or mental disability, marital or veteran status, sexual orientation, gender identity, genetic information, or any other classification protected by law. All employment requirements mandated by local, state, and federal regulations will be observed.

Our organization recognizes same-gender domestic partners, consistent with the law. If you have any questions regarding this matter, please direct them to the Director of Finance and Business Services.

The organization employs affirmative personnel measures to ensure the achievement of equal employment opportunities in all aspects of employment and the work environment. These policies of nondiscrimination will prevail throughout every aspect of the employment relationship, including recruitment, selection, compensation, promotion, transfer, layoff and recall, termination, training, and dispute resolution.

In keeping with our philosophy and applicable laws, our advertising and recruiting materials will contain the following statement to encourage qualified applicants to apply: "Equal Opportunity Employer." Our policy as an equal opportunity employer is to employ those legally entitled to work in the United States without regard to citizenship status, ethnic background, or national origin. However, in conformity with the relevant immigration statutes and regulations, our policy is to hire only those who are eligible to work in the United States. Verification documentation is required of all new hires.

All employees in the organization are responsible for following and carrying out this policy according to the spirit and intent of our equal employment commitment. Management provides and supports a dispute resolution procedure for complaints alleging discrimination. Employees are expected to bring any questions, issues, or complaints to Management's attention. If you believe you have been harassed see page 11, or if you witness or suspect any violation of this policy, you should report the matter immediately to the Director of Finance and Business Services or the General Manager. We will not retaliate against you for filing a complaint or cooperating in an investigation and we will not tolerate or permit retaliation by Management or co-workers.

The Port of Newport has adopted an affirmative action plan that addresses efforts to seek out, hire, develop, and promote qualified members of protected groups (defined as racial minorities, women, the physically or mentally disabled, disabled or other protected veterans, and those 40 years of age and older). This Affirmative Action Plan is on file in the office of the Director of Finance and Business Services.

# AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA), amended by the ADA Amendments Act of 2008, is a comprehensive federal civil rights law that specifically protects individuals with physical and mental disabilities from discrimination in the workplace.

Individuals are protected under the ADA if any of the following conditions exist:

- They currently have a physical or mental condition that significantly restricts their ability to normally conduct a major life function (walking, seeing, hearing, breathing, bodily functions, etc.);

- They have a history of such impairment; or,

- They are regarded as having such impairment.

The ADA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse, friend, etc.) with a disability.

The Port of Newport offers equal employment opportunities to qualified individuals who may have a physical or mental disability, but are still able to perform essential job functions with reasonable accommodations. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought. A job function is essential if the position exists for the performance of the function, there are only a limited number of employees available to perform it, or it is so highly specialized that an expert is required to perform it.

Reasonable accommodations are available to employees and applicants, as long as the requested accommodations don't cause an undue hardship on the organization. Individuals protected by the ADA/ADAAA should discuss their needs for possible accommodation with the Human Resources Department.

# HARASSMENT

The Port of Newport is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the Port of Newport expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment in the workplace, at work related events, or any activity coordinated by or through the organization. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person we interact with in the course of accomplishing the work of the organization.

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

Discrimination, harassment and retaliation are not acceptable.

Any employee who has questions or concerns about these policies should contact the Director Finance and Business Services or the Director of Operations. As an alternative you may reach the Port General Manager.

***Interpretation***
If any section or part of this policy is found to be inconsistent with any laws of the State of Oregon or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be interpreted in the manner most consistent with its original intent that is not inconsistent with any laws of the State of Oregon or the United States or any rules, regulations or standards established pursuant thereto. Nothing contained in this policy shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.

***Severability***
Should any portion or the application thereof to any person or property be found invalid for any reason, the validity of the remainder of these provisions or the application of such remainder to other persons or property shall not be affected.

***Equal Employment Opportunity***
It is our policy to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law.

***Retaliation***
We encourage reporting of all perceived incidents of discrimination or harassment. It is the policy of The Port of Newport to promptly and thoroughly investigate such reports. We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

***Sexual Harassment***

Definition. Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Federal Law. Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Oregon State Law. Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

***Harassment Definition***

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

***Harassing Conduct***

Harassing conduct includes labels, insults or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and written or graphic material that belittles or shows hostility or dislike toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

***Reporting Incidents of Harassment***

The Port of Newport encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with the Director Finance and Business Services or the Director of Operations as an alternative you may reach The Port General Manager. See the complaint procedure described below.

In addition, we encourage individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it stop. Often this

action alone will resolve the problem. We recognize, however, that an individual may prefer to pursue the matter through complaint procedures.

Following receipt of a complaint or concern management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for the management follow-up to share related experiences. If an employee would like the follow-up to discontinue the follow-up process a request must be submitted in writing to the Port General Manager.

***Internal Complaint Procedure.***
Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with Director Finance and Business Services or the Director of Operations if you are unable to reach the primary contact please reach out to the Port General Manager. We encourage employees to document the event(s), associated date(s), and potential witnesses.

The Port of Newport encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken before relationships become irreparably broken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation. We encourage employees to document the events, associated dates, and potential witnesses.
Any reported allegations of harassment, discrimination or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

The Port of Newport will maintain confidentiality throughout the investigatory process to the extent possible with acceptable investigation and appropriate corrective action.
Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or corrective action such as: warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination as The Port of Newport believes appropriate under the circumstances.

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

***External Complaint Procedures.***
We encourage employees to bring their concerns and complaints to the organization, and understand that, at times, this may not be the choice of the employee. Below is a list of the external complaint options. Please reach out to the preferred choice to determine the appropriate timelines for their processes.

- Oregon Bureau of Labor and Industries at the following web address: https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx

- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

# WORKPLACE BULLYING

While harassment due to a person's protected class is prohibited, so too is inappropriate behavior, such as incivility, due to personality clashes or issues. We want our focus to be on customer service, productivity, and the ability for each employee to flourish here. This makes it essential that our employees treat each other and those with whom they come into contact with courtesy, respect, and professionalism. Further, we require that employees work cooperatively and constructively in resolving issues or problems on-the-job to foster satisfactory working relationships. In that light, bullying or similar disruptive behavior does nothing positive to enhance our working conditions and will not be tolerated here.

The Port of Newport defines bullying as *"repeated or one-time behavior, which is inappropriate and which may be verbal, non-verbal, or physical; either direct or indirect; conducted by one or more persons toward a victim(s); and which generally occurs at work and in the course of employment but may also apply to off-site behavior exhibited by employees that negatively impacts the working relationship."* Such behavior, whether exhibited between co-workers, management and staff, vendors/customers, another outside party, or a member of the public, violates our policy on how others should be treated while at the workplace or engaged in organizational operations. This policy also applies to off-site behavior exhibited by employees that negatively impacts the working relationship.

Bullying may be intentional or unintentional. Where an allegation of bullying is made, the intention of the alleged bully will be considered. The purpose of this policy is to communicate to all employees, including supervisors, managers, and executives, that Port of Newport will not, in any instance, tolerate bullying behavior. Employees found to be in violation of this policy will be subject to corrective action, up to and including termination.

When determining whether or not bullying has occurred, we will consider the following examples; however, this is not considered a comprehensive list. Any actions that create the same or similar result will also be considered. Verbal bullying can include slandering, ridiculing, or maligning a person; persistent name calling that is hurtful, insulting, or humiliating; using a person as a butt of jokes; or abusive and offensive remarks. Physical bullying can include the obvious, such as pushing or shoving or a threat of physical assault, as well as damage to a person's work area, personal possessions, or property. Other examples of emotional bullying include threatening gestures or glances, which can convey the same message, and excluding someone socially at work.

Additional examples include:

- Making comments on Facebook, texting, misuse of other forms of social media
- Public humiliation in any form
- Constant criticism on matters unrelated or minimally related to the person's performance or job description
- Spreading rumors and gossip regarding individuals
- Interfering with the ability of someone to perform job duties or consistently assigning menial tasks not central to the job.
- Taking credit for another person's ideas

Any Port of Newport employee who has experienced bullying should immediately report the behavior according to the reporting process outlined in our Harassment policy. All reports will be investigated and addressed. Making false/baseless or malicious complaints of bullying will be regarded as a serious offense, which may also lead to corrective action, up to and including termination.

# DISPUTE RESOLUTION

We believe that undisclosed problems will remain unresolved and will lead to impaired work relationships, dissatisfaction with working conditions, and a decline in operational efficiency. Therefore, the organization has established this dispute resolution procedure to solve problems as quickly, fairly, and thoroughly as possible. This procedure is a method for impartially hearing the complaint and is intended to resolve problems and provide a fair and objective review. All issues will be handled without prejudice or retaliation.

***Reporting Issues Other than Harassment/Discrimination***

Any other questions or concerns you may have should be discussed with your immediate manager/supervisor, absent special circumstances, as soon as you are aware there is a problem or have a question. Your manager will generally follow-up to your concern, in writing, within one week.

We realize there may be valid reasons to forego this initial step; in those circumstances (*i.e.*, a concern involves an immediate manager/supervisor), you may go directly to the next level of management or to the Director of Finance and Business Services or General Manager for assistance.

***Appeal Process***

Honest differences of opinion occur, and some situations will require the review or decision of a higher management level. A higher-management review, however, is only intended to occur after you have discussed a situation with your immediate supervisor and a satisfactory solution has not been reached.

If you feel a policy has been inappropriately applied, or you have been unfairly treated or unjustly disciplined by your manager/supervisor, you may present the matter to the Director of Finance and Business Services, or the Director of Operations, as it may apply to your department. That official will review the issue and make a decision. If you are not satisfied with this decision you may present the matter to the General Manager for review and settlement. The decision of this individual will be final.

All cases will be reviewed on an individual basis and without regard to precedent.

# EMPLOYMENT

It is our goal to fill employment vacancies with the most qualified applicants, whether recruiting internally, externally, or in utilizing both options. Job applicants will be considered on an equal basis for all positions without regard to sex, age, race, color, religion, national origin, marital or veteran status, sexual orientation, gender identity, genetic information, a physical or mental disability, or any other characteristic protected under applicable law.

We will always try to select the most qualified person for each available job, favoring existing employees over outside applicants when possible. External recruiting may be initiated concurrently with the internal posting process, but no hiring commitment or decision will be made until the position has been posted internally for a minimum of five (5**)** working days. The Port of Newport reserves the right to deviate from this policy as it deems appropriate.

Former employees and relatives of current employees may be considered for employment in the same manner as other applicants. We prefer not to place a spouse, domestic partner, or immediate family member under the direct supervision of a spouse, domestic partner, or family member, if such placement adversely affects supervision, safety, security, or morale.

If a job can't be filled from within its department, it will be posted for the entire organization. In order to be eligible to transfer to a different job, you must have completed a minimum of 6-month tenure in your current position, have completed your initial probationary period, and may not be under any corrective action.

You may, from time-to-time, be temporarily transferred or assigned to perform work outside of your regular job classification, schedule, shift, or department. Depending upon the circumstances, you may be subject to a wage adjustment while performing such work. We may also reassign employees on a long-term basis whose placements are determined to be unsuited to their individual skills, and transfer any employee who has an illness or disability that requires modified duty without posting the position.

# NEW EMPLOYEES, PROMOTIONS, AND TRANSFERS

### *New Employee Orientation*

New employees are expected to attend a thorough orientation within the first month of employment. This helps to ensure positive integration into our operations and helps new employees start a productive and satisfying employment relationship. At the orientation, you will receive detailed information about general policies, procedures, benefits, and basic information on pay and leave policies. Orientation sessions are documented using the New Employee Orientation Checklist, which is signed and dated by you and the person conducting the session and will be kept in your employee personnel file.

### *Probationary Period*

As a new employee, you are hired on a 180-day (6-month) probationary period. The probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by supervisors. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance, and job responsibilities will be conducted during the probationary period. This period gives you an opportunity to demonstrate satisfactory performance for the position and provides an opportunity for us to see if your abilities and the requirements of the position match. It is also a chance to see if we meet your expectations as an employer.

Your performance will be evaluated at the end of the probationary period, and a decision about your employment status will be made. If you have successfully completed the probationary period, you will be moved to regular status. If your skills border on satisfactory, but fall a little short, the probationary period may be extended if there is reason to believe that your skills will improve within **60** days. This period may be extended only by approval of the General Manager. The request for an extension won't be approved if it is submitted after the normal conclusion of your probationary period. If expectations are not met or if your skills are not satisfactory, it is unlikely that your employment will continue.

| |
|---|
| Completion of the probationary period does not alter the at-will employment relationship. Employment may be terminated at our will or discretion or by you at any time during or after the probationary period, with or without reason or notice, if either party regards it as necessary or appropriate. |

### *Promotions and Transfer Training Period*

If you are promoted or transferred to a new position, you must also complete a probationary period of 90 days to determine the suitability of the placement and your ability to satisfactorily perform the required work. If it is determined that the job change is not working during this period, you will be returned to your original job if a vacancy exists. Otherwise, you will be assigned to any other vacant job we deem suitable. If no such job is vacant, your employment may be terminated. If you are placed in a job other than your original job, the pay and benefits may be adjusted.

### *Re-employment*

Employees who resign from the organization in good standing may be eligible for re-employment consideration. Applications received from former employees will be considered and processed using the same procedures and standards that govern all other applicants. Previous performance with the organization will be evaluated if the reference check phase is reached. We are not obligated to rehire former employees.

***Credit for Prior Seniority***

Employees who are rehired by Port of Newport will receive credit for prior time worked as follows:

- Employees who were separated because of a reduction in workforce will receive credit for prior time worked for the purposes of benefit eligibility if they are re-employed within one (1) year after the separation date.

- Employees who voluntarily resigned from their employment with Port of Newport may receive credit for prior time worked for the purposes of benefit eligibility, subject to management approval, if re-employed within six (6) months after the resignation date. However, a new anniversary date will be established based on the date of rehire.

- All other rehires shall be considered new employees, except where federal or state law requires otherwise (*e.g.*, the Employee Retirement Income Security Act rules which apply to pensions, where state law applies to health insurance benefit reinstatement).

***Employment Classifications***

Employee status is categorized to make distinctions in employment-related conditions and to aid in a better understanding of employment relationships within the organization. Employees may be considered probationary, full-time or part-time, seasonal, temporary, or on-call as described below:

Probationary*: Newly hired or promoted employees within the probationary period. New hires earn Paid Time Off, but cannot use, Paid Time Off during the probationary period.

Regular Full-time: An employee who is regularly scheduled to work 32 hours or more per week. Classification normally is eligible for benefits. (For health insurance coverage, 30 hours per week is considered full-time.)

Regular Part-time: An employee who is regularly scheduled to work at less than 32 hours per week. This classification is normally eligible for benefits, but on a pro-rata basis.

Seasonal/Temporary: An employee who is hired for a specified period of time, usually no more than six (6) months (1040 hrs.). This classification is typically not eligible for benefits, except for those mandated by law.

On-Call*: An employee who does not have a set schedule and works only when called upon.

*May be eligible for benefits under the Affordable Care Act depending on hours worked.

Employees are further classified according to federal and state wage and hour laws as exempt or non-exempt, as defined below. Management will make the appropriate designation regarding the status for each new position or when a position changes substantially. If you are uncertain as to your status, ask your supervisor/manager.

Exempt: An employee who is exempt from the overtime pay and minimum wage requirements under federal and state laws. Exempt employees typically include managers, executives, supervisors, professional staff, outside sales representatives, owners, and others who are generally paid a salary and whose duties and responsibilities allow them to be exempt under federal and state law.

Non-exempt: An employee who is paid an hourly wage and whose job generally calls for the payment of minimum wage and overtime as specified under state or federal regulations.

***Continuous Service Date***

The continuous service date is the date a new employee is appointed on a probationary appointment in the Career Service. Time spent, as a part-time or temporary employee, shall not be included in determining an employee's continuous service date.

The continuous service date will be used for determining benefits, PTO accumulation, Port contribution to the retirement program, length of service in connection with layoff, and any other matters involving length of service.

Employees who leave Port service for military service shall receive credit for such service upon returning to Port employment. Credit also shall be accumulated while on authorized leave of absence with pay and authorized educational leave with or without pay. Other authorized or unauthorized leave of absence without pay for five (5) consecutive working days or more shall result in an adjustment of the continuous service date.

An employee who has been re-employed following a layoff or authorized leave of absence without pay shall receive credit for previous time spent in a Regular Full-time or Part-time position in the determination of their continuous service date.

# ALLOCATION OF POSITIONS

***New Positions***
When a department head or director desires to establish the classification of a new position, a description of the duties and responsibilities of the position shall be submitted to the General Manager in order that a determination of the proper classification be made.

***Reclassification of Positions***
Whenever a department head or director desires to make any permanent and substantial change in the duties, authority, or responsibilities of a position, notification of the proposed change shall be submitted to the General Manager for determination, if any, on the classification of the position. Positions may be reclassified whenever the duties of the position change materially, provided however, that any reclassification can be accomplished within the current budget.

# CLASSIFICATION PLAN

***Purpose***
The purpose of the classification plan is to provide a complete and continuous inventory of all positions, to provide accurate job descriptions and specifications for each class of employment. The classification plan shall be maintained so that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

***Maintenance of Plan***
The General Manager is responsible for maintaining and revising a position classification plan, which groups all positions into classes based upon their duties, authority and responsibilities.

***Amendment of Plan***
The General Manager shall be responsible for keeping the classification plan current through periodic studies of the positions within the Port; however, a department head or employee may initiate a request to amend the classification plan.

***Allocation of Positions – New Positions***
When a department head desires to establish the classification of a new position, a description of the duties and responsibilities of the position shall be submitted to the General Manager in order that a determination of the proper classification may be made. New positions may only be established within the budgetary and FTE specified in the current Fiscal Year budget, which includes the abolishment of existing position to establish a new position.

***Allocation of Positions – Reclassification***
Whenever a department head desires to make any permanent and substantial change in the duties, authority, or responsibilities of a position, written notification of the proposed change shall be submitted to the General Manager for determination, if any, on the classification of the position. Positions may be reclassified whenever the duties of the position change materially, provided however, that any reclassification can be accomplished within the limitations of the current budget of the Port.

# CLASS DESCRIPTIONS

***Content of Specifications***
Each class specification shall include the class title, a description of the duties and responsibilities of the work, and a statement of the minimum qualifications a person should possess to perform the work with reasonable prospects of success.

***Interpretation of Specifications***
Each class shall have a specification that includes a concise, descriptive title, and a description of the duties and responsibilities of each position in the class. Position specifications take into consideration the requirements of the job and are merely descriptive and explanatory of the work to be performed. They may not include all of the duties and are not intended to replace detailed work assignments. Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.

***Minimum Qualifications Statement***
The desirable minimum qualifications enumerated in a class specification shall relate to the reasonable standards of experience and training required at the time of original appointment of a new employee and shall not be construed as representing or measuring qualifications which employees already working in such a class may actually possess.

***Class Titles***
The class title shall be the official title of every position allocated to the class, not the individual filling the particular position, for the purpose of personnel actions and shall be used on all personnel, budget and financial records and reports relating to the position.

***Working Titles***
Working titles are authorized to be used by the department head may be used as a designation of any position for purposes of internal administration or in contacts with the public.

***Appeal of Allocations***
Any department head or employee affected by the classification of a position may file a written request for reconsideration with the General Manager. The General Manager shall review the classification of the position and submit their findings to the department head and/or employee concerned. The Corrective Action Policy as outlined in Chapter 12 may also be used to appeal the allocation of a position.

# EMPLOYMENT RECORD KEEPING

***Access to Personnel Files***

The organization maintains a personnel record for each employee, and access to those records is restricted to authorized persons only. The records contain applications, written evaluations, performance counseling notices, correspondence, and other information pertinent to employment. Authorized persons are individuals in a direct line of supervision over the employee to whom the file applies or any management representative involved in a pending personnel action.

Your personnel file is available for review (except for any references and other material exempt from disclosure under state law) by making advance arrangements with the Director of Finance and Business Services. We will provide copies of personnel records or files as required by law, but you may be asked to reimburse us for the reasonable cost of providing copies.

***Change in Personal Data***

Keeping your personnel records current can be important to you with regard to pay, payroll deductions, benefits, and other matters. If you have changes in any of the following items of information, please notify the Director of Finance and Business Services:

- Name
- Marital status
- Address
- Telephone number
- Dependents
- Beneficiary(ies)
- Person to be notified in case of emergency
- Job-related physical or other limitations that impact employment
- Other information having a bearing on your employment

A Change in Personal Data form is available for your use in reporting any changes in your personal information.

# EMPLOYMENT RELATIONS AND CONDUCT

# ETHICS

We believe in treating people with respect and adhering to ethical and fair practices in business. We expect employees to avoid situations that might cause their personal interests to conflict with the interests of our organization or to compromise our reputation or our integrity. Employees who violate the Ethics Policy or who create an equally detrimental impact on the organization will be subject to corrective action, depending upon the circumstance, up to and including termination.

***Conflict of Interest***
Employees may not solicit, obtain, accept, or retain any personal benefit from any supplier, vendor, customer/client, or any individual or organization doing or seeking business with the Port of Newport. This means you may not maintain an outside business or financial interest or engage in any outside business or financial activity that conflicts with the interests of the organization or interferes with your ability to fully perform job responsibilities. For example, if job responsibilities include purchasing, or being in a position to influence purchasing, the individual responsible must disclose any financial interest and recuse themselves from transactions from any business that furnishes products, materials, or services to the organization or in any related transaction. An employee may not benefit directly or indirectly from a third party who furnishes products, materials, or services to the organization either.

***Misrepresentation***
As an employee, you should consider how you represent the Port of Newport in your transactions and interactions. You should be careful not to misrepresent the organization's policies, practices, procedures, or prices, or misrepresent your status and authority to enter into agreements. You should also avoid using the organization's name, likeness, facilities, assets, resources, or the authority of your position with the organization for personal gain or private interests.

***Gratuities/Gifts***
No employee may receive, give, pay, promise, or offer to our customers anything of value, whether cash or any other property, to secure or appear to secure preferential treatment. This includes any form of gratuity to or from employees of our customers or members of their families.

The following exceptions to this policy may be permitted, within the allowed limits of Oregon Statute:

- Purchase of business meeting meals
- Gifts of food or other consumable products offered to the entire work group during the holiday season when rejection of the gift would damage business relationships.

***Outside Employment***
While employed at the Port of Newport, you may not engage in outside employment that conflicts with the nature of the organization's business, competes with the organization, or that otherwise interferes with your ability to perform according to established standards of performance and work rules. Additionally, you may not work at an organization that conducts business with the Port of Newport. During hours you are scheduled to work for the Port of Newport or use company equipment for such purposes, you may not conduct any business connected with outside employment.

***Off-Duty Conduct***

Generally, we regard off-duty activities of employees to be their own personal matters. However, certain types of off-duty activities concern us because of the potentially negative impact on the organization's reputation within the communities we serve. Therefore, employees who engage in or are associated with illegal or otherwise harmful conduct (*i.e.*, that which adversely affects the organization, its public image, or their own ability or credibility to carry out employment responsibilities) may be subject to corrective action, up to and including termination.

***Solicitation and Bulletin Boards***

To make sure employees aren't disturbed or interrupted while on work duty, we have established the following non-solicitation policy:

Individuals who are not employed at the organization may not solicit our employees or distribute literature on organization property at any time.

If you wish to solicit or distribute literature to other employees by or on behalf of any individual, organization, club, or society, you may do so only during times when you are on a rest or lunch break. You may solicit or distribute literature only to those employees who are also on a rest or lunch break. The distribution of literature in work areas is prohibited at all times, but you may place it in established break areas or lunchrooms.

Obscene, profane, or inflammatory items and political advertisements or solicitations are strictly prohibited.

You may not solicit, expect, or accept contributions from vendors, clients, or anyone doing business with the organization.

You may not sell merchandise or collect funds of any kind without prior approval from the General Manager.

We use our organization bulletin boards to keep you up-to-date and to post notices and information required by law. We also use them to announce activities and other items of interest to employees. We ask that you check the bulletin board regularly to obtain information that may be important to you. Bulletin boards are to be used only for posting or distributing notices or announcements of a business nature that apply equally and are of interest to all employees or are directly concerned with organization business.

***Political Activity***

The State of Oregon law (ORS 260.432) restricts political activity by public employees. As a Port employee you are considered a public employee. This policy does not apply to volunteers.

Port employees may not use their work time to support or oppose measures, candidates, recalls, political committees or petitions. Engaging in "political activity" or "advocacy", means only that political activity or advocacy which is restricted by the statute- supporting or opposing measures, candidates, recalls, political committees or petitions. Supporting or opposing political issues which do not fall into any of those categories is not restricted by the statute.

Oregon election law does not specify any amount of work time that may be used before a violation occurs, so you may be found in violation even though you used a minimal amount of work time.

Port employees may not distribute material that contains political advocacy while on the job during work hours, except public employees may, as part of their job duties, process and distribute incoming mail addressed to specific employees that contains political advocacy.

Port employees cannot give a speech or presentation advocating a political position if they are on the job or acting in their official capacity.

A spokesperson for the Port may respond to media inquiries about the possible effects of a measure or initiative so long as the information they provide is impartial. The Port employee must not state or imply support or opposition

A Port employee who, on their own computer on the weekend, drafts a press release about how a measure might affect the Port, and signs the document with their title, is acting in their official capacity.

If you have questions on how this applies to you, please visit this site:
https://sos.oregon.gov/elections/Documents/restrictions.pdf

# CONFIDENTIALITY

***Organization and Customers***

At the Port of Newport, employees have access to highly confidential and proprietary information, including information about our business plans and customers. Our customers trust us with confidential information and disclosing this information without authorization would have a materially adverse impact on our integrity and on our relationships with our customers. Employees must not disclose any information pertaining to the organization or its customers without prior explicit approval of their managers/supervisors and must sign a form stating such.

No organization records or information, including documents, files, records, computer files, and similar materials may be removed from our premises without permission from the Port of Newport, except in the ordinary course of performing duties on behalf of the Port of Newport. Additionally, the contents of organization records or information otherwise obtained in regard to business may not be disclosed to anyone except where required for a business purpose. This prohibition also applies to items posted in a blog or website. Employees are subject to appropriate corrective action, up to and including termination, for revealing confidential information.

***Employee Records***

The Port of Newport's philosophy is to safeguard personal employee information in its possession to ensure the confidentiality of this information. Additionally, the organization will only collect personal information that is required to pursue its business operations and to comply with government reporting and disclosure requirements. Personal information collected by the organization includes employee names, addresses, telephone numbers, e-mail addresses, emergency contact information, EEO data, social security numbers, date of birth, employment eligibility data, benefit plan enrollment information, which may include dependents' personal information, and school/college or certification credentials. All pre-employment inquiries, including reference check records, as well as former employee files are maintained in locked, separate areas and are not used by the organization in the course of business operations.

Personal employee information will be considered confidential and, as such, will be shared only as required and with those who have a need for access to such information. All hard copy records will be maintained in locked, secured areas with access limited to those who have a need for such access. Personal employee information used in business system applications will be protected under company proprietary electronic transmission and Virtual Private Network policies and security systems. Participants in company benefit plans should be aware that personal information will be shared with plan providers as required for claim handling or record keeping needs.

Organization-assigned information, which may include organizational charts, department titles and staff charts, job titles, department budgets, company coding and recording systems, telephone directories, e-mail lists, and company facility or location information and addresses, is considered by the company to be proprietary company information to be used for internal purposes only. The company retains the right to communicate and distribute such information as it feels necessary to conduct business operations.

If an employee becomes aware of a breach in maintaining the confidentiality of any personal information, the employee should report the incident to the Director of Finance and Business Services. The Director of Finance and Business Services has the responsibility to investigate the incident and recommend corrective action. Please understand that the reasonableness of actions

taken in these circumstances will be taken into consideration. Examples of the release of personal employee information that will not be considered a breach include the following:

- Release of partial employee birth dates (*i.e.*, day and month, which is not considered confidential and will be shared with supervisors/managers who elect to recognize employees on such dates).
- Personal telephone numbers or e-mail addresses may be distributed to supervisors/managers in order to facilitate company work schedules or business operations.
- Employee identifier information used in salary or budget planning, review processes, and for timekeeping purposes will be shared with supervisors/managers.
- Employees' company anniversary dates will be distributed to appropriate supervisors/managers periodically.
- Employee and dependent information may be distributed in accordance with open enrollment processes, for periodic benefit plan changes, or for benefit statement updates.

Should a security breach occur, you will be notified in writing as soon as possible.

# WORKPLACE RULES

The Port of Newport believes policies and procedures are essential for the orderly operation of our business and for the protection and fair treatment of all employees. As a result, we have clearly identified performance expectations so that each employee behaves according to our workplace standards. Courtesy and common sense should always prevail. The following work rules are not all-inclusive, but serve as guidelines to demonstrate the work behaviors considered important to the Port of Newport.

1. You are expected to be at work on time, to stay until your workday ends, and to do the work assigned or requested of you. If you are unable to be at work on time, you are expected to contact your immediate supervisor promptly.
2. The expected standard of conduct for all employees in the service of the Port shall be in the public interest as opposed to individual interest.
3. Public relations shall be an integral part of each employee's job.
4. Employees shall be courteous, efficient and helpful to everyone in their work and shall do the best job possible on every assignment.
5. You are expected to regard your workplace with respect and attention. The Port of Newport records, equipment, and property are to be treated carefully and appropriately. You are responsible for those items in your custody and will be held accountable for their maintenance, appropriate use, and accuracy.
6. You are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the Port of Newport or by outside regulatory bodies.
7. You are expected to conduct yourself in a professional manner, exhibiting a high regard for our customers, vendors, business associates, and for co-workers. No breach of professional behavior (abusive language, harassment, personal business during work time, etc.) will be condoned. This also applies to alcohol consumption when representing the Port of Newport in a business or social capacity.
8. You are expected to maintain the confidentiality of organization information or customer information in your possession (i.e., personnel information, trade secrets, etc.).
9. You are expected to wear clothing that is neat in appearance and appropriate for your work area, keeping in mind the impression it has on customers, visitors, and other employees as well as the need to promote organization and employee safety. Good individual judgment is the best guideline, but management retains the right to decide what dress is appropriate.

This information regarding our behavioral expectations should help guide employee actions. You are urged to use reasonable judgment and to seek advice in doubtful or unclear situations. If all employees do their best to meet both the spirit and intent of these guidelines, disciplinary issues will be minimal. It is our policy to resolve conduct and performance problems in the most informal and positive manner possible; however, conduct which falls outside of the above guidelines will result in corrective action, up to and including termination.

We also believe that all of our employees should have an opportunity to be heard in matters involving discipline; therefore, we have adopted a formal Dispute Resolution Procedure, which can be found on page 17 of this Handbook.

# IMPROPER EMPLOYEE CONDUCT

The term "improper conduct" shall mean not only any improper action by an employee in his/her official capacity, but also any conduct by an employee not connected with his/her official duties tending to bring the Port into discredit, or which tends to affect the employee's ability to perform his/her duties officially, or any improper use of their position as an employee for his/her personal advantage. In addition, improper conduct includes the following:

1. Violation of the criminal laws of the United States or of any state thereof.
2. Being adjudged guilty of a crime involving moral turpitude or infamous or disgraceful conduct.
3. Insubordination or disloyalty.
4. Offensive or unbecoming conduct or language toward the public or towards fellow Port employees or officers thereof.
5. Inattention to duty, tardiness, indolence, carelessness, or damage to, or negligence in the care and handling of, Port property.
6. Improper or unauthorized use of equipment and supplies.
7. Being absent from work without first notifying the employee's supervisor.
8. Outside employment that interferes with Port responsibilities or performance.
9. Absence from duty without leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved or revoked and canceled by proper authorities.
10. Willful violation of any of the provisions of ordinances, these rules, or any rules or regulations which may be prescribed by the General Manager or a department head.
11. Solicitation in an official capacity, or as an employee of the Port, of the public for money, `goods, or services not specifically authorized by the General Manager.
12. Violation of provisions in the Personnel Manual.
10.

# VEHICLE USE

Port vehicles may only be used for legitimate District business.

Port vehicles will not be used to transport any individual who is not directly or indirectly related to Port business. Passengers shall be limited to Port employees, volunteers, and individuals who are directly associated with Port work activity. Family members shall not be transported in Port vehicles, except if an employee travels out of town for a conference, with approval from their supervisor, they may be allowed to take family members.

Vehicles should contain only those items for which the vehicle is designed. The Port shall not be liable for the loss or damage of any personal property transported in the vehicle.

Employees assigned to operate Port vehicles are responsible for the operation, care, and condition of such vehicle and are also expected to keep Port vehicles clean.

Employees may not operate Port vehicles under the influence of alcohol, marijuana, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation. Employees who operate Port vehicles must have a valid Oregon driver's license and may be required to provide proof of a valid license once every six (6) months. To operate certain Port vehicles, the law requires a Commercial Driver's License (CDL) and/or a hazmat endorsement. The Port will cover the costs associated with obtaining and maintaining a CDL, including test, license fees and medical exams. Receipts must be submitted for reimbursement of these costs.

Employees driving while on Port business shall obey all applicable traffic and parking regulations, ordinances, and laws.

Employees who incur fines in Port vehicles will be personally responsible for payment of such fines.

Employees who are issued citations for any offense while operating a Port vehicle must notify their supervisor immediately, when practicable, but in no case later than twenty-four (24) hours. Failure to provide such notice will be grounds for disciplinary action.

An employee who is arrested for, or charged with, a motor vehicle offense for which the punishment includes suspension or revocation of their license, whether in his or her personal vehicle or in a Port vehicle, must notify his or her supervisor immediately, when practicable, but in no case later than twenty-four (24) hours. Conviction for such an offense may be grounds for loss of Port vehicle privileges and/or further disciplinary action.

***Reporting and Investigating Accidents***

When any Port vehicle is involved in an accident resulting in property damage or injury to any person, the following procedures shall be observed:

Employee shall immediately report the accident to their supervisor and remain at the scene until a police report is made in a case of a fatality, injury, extensive damage, or damage that renders a vehicle inoperative. Do not remove any vehicle until authorized by your supervisor unless non-removal creates undue hazard.

In cases where the vehicle(s) suffer only minor damage, other people should not be delayed any longer than is necessary to exchange the required information. All vehicles should carry a list of the necessary information to collect from the other driver and the information the employee would need to collect from them. The operator should also promptly complete the accident report upon returning to the Port office.

The supervisor or other designated individual shall respond to the scene and request and facilitate a police investigation. He/she shall gather information for the Port’s insurance carrier, submit independent reports, and report all findings and conclusions to the Port General Manager.

# WHISTLEBLOWER PROTECTIONS

The Port of Newport encourages any employee with knowledge of an illegal or dishonest company activity to report it to the Director of Finance and Business Services or General Manager. All such issues will be promptly investigated with the intent to determine fault and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. Any employee wishing for more information can obtain further details from the Director of Finance and Business Services.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee should immediately contact a direct supervisor or the Director of Finance and Business Services. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to corrective action, up to and including termination.

Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. Although someone's identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their due course, the privacy of the individual making the report will be protected to the extent possible. The Port of Newport will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments as well as threats of physical harm. Any whistleblower who believes retaliation has occurred must contact Director of Finance and Business Services immediately. The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Director of Finance and Business Services who is responsible for investigating and coordinating corrective action.

# DRESS CODE

Employees contribute to the atmosphere and reputation of Port of Newport in the way they present themselves. A professional appearance is essential to a favorable impression with patrons. Good grooming and appropriate dress reflect employee pride and inspire confidence.

Supervisors and Directors have the discretion to determine appropriateness in appearance. A basic essential of appropriate dress includes the need for clothing to be neat and clean, and appropriate for the area where you are working.

A reasonable standard of dress rules out overly-revealing clothing, tank tops, halter-tops, or any extreme in dress, accessory, fragrance, or hairstyle.

Additionally, clothing, jewelry, and hair should not be loose or dangle in such a way that creates any kind of safety hazard.

An employee unsure of what is appropriate should check with the designated manager or supervisor.

*Casual shirts:* All shirts with collars. This will include shirts and blouses, golf and polo shirts.

> Inappropriate: T-shirts, shirts with inappropriate slogans, tank tops, muscle shirts, and crop tops. T-shirts may be approved and provided for specific events only.

*Pants:* Casual slacks and trousers. Jeans must be without holes, frays, etc.

> Inappropriate: Athletic sandals, flip-flops.

Specific safety related apparel may be required of the employee by the Port's safety plan. If so, that apparel shall be purchased and provided by the Port, and instructions for wear shall be determined by the employee's supervisor/manufacturer's specifications, and OHSA requirements. Port safety policies may require additional apparel not required by OSHA such as safety shoes, high visibility colors, etc. Individual employees are responsible to maintain issued equipment, gear, and apparel, and are required to request replacement when no longer serviceable.

# COMMUNICATION AND SOFTWARE SYSTEMS

***Electronic Communications Systems***

For the complete security policy please the "IT Security Policy, adopted November 19, 2019". The Port of Newport provides electronic communication systems to maintain superior communications both within the organization and with outside clients and vendors. You are encouraged to learn about these tools and how to use them. This policy provides directions for you regarding access and disclosure of information when using these communication systems. All employees and others outside the organization who may use the systems are expected to be aware of and support this policy.

Our electronic communication systems include computers, software, electronic mail (e-mail), copiers, fax machines, telephones, cell phones, voice mail, messengers, and various online services. All of these systems are operated and managed based upon this policy.

These systems and any other informational, storage, or retrieval services that the organization provides are organization tools and are to be used for business purposes only during business hours. Use of company systems during business hours for other than work-related purposes should be minimal and must not impact business operations.

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

As an employee, you must not permit any proprietary or confidential information of the Port of Newport to enter the public domain through electronic transmissions. Examples of the organization's proprietary and confidential information are provided in the Confidentiality Policy. Also, these systems shall not be used to receive or distribute copyrighted materials, trade secrets, proprietary information, or similar materials from/to outside the organization without prior authorization.

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

You should check with your supervisor if you have any questions about the proper use of communication or software systems. All system users who discover violations of this policy are expected to notify their supervisors or managers immediately. Improper use or violation of this policy can result in corrective action, up to and including termination.

***Electronic Mail System***

You are reminded to be courteous to other users of the e-mail system and to always conduct yourself in a professional manner. E-mail messages are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. You should write e-mail communications with no less care, judgment, and responsibility than you would use for letters or internal memoranda written on organizational letterhead.

You should know that even when a message is erased through e-mail, it is still possible to retrieve and read that message. Even though the organization reserves the right to retrieve and read any e-mail messages, those messages are to be treated as confidential by other employees and accessed only by the intended recipient. We expect employees to respect others' privacy and not retrieve or read electronic messages for which they are not the intended recipient unless authorized. The use of passwords for security does not guarantee confidentiality; all passwords to company systems must be disclosed to the organization's the Director of Finance and Business Services when requested.

***Organization-owned Personal Computers***

To protect the integrity of our systems, all software used on our computers must be registered with the Director of Finance and Business Services and purchased according to the "Technology Replacement and Upgrade Policy". Personal or downloaded software may only be installed after written authorization from that individual or the General Manager. A virus check of all such software must be made immediately before it is installed on any organization computer. A virus check must also be conducted on any electronic devices originating from or used on any computer outside of the organization prior to its use with an organization-owned computer. The copy or transfer of organization-owned software may occur only with the written authorization of the Director of Finance and Business Services.

***Mobile Devices***

Allowing Remote Wipe Provisions/Data Liability

If you are connected to the organization's server, understand that making this connection via a mobile device may compromise the privacy of certain sensitive information. Confidential electronic information, including personally identifiable information**,** must be protected to prevent it from being exposed if the device on which the information was accessed is lost or stolen. In order to protect this information, the organization retains the right to delete data and applications from any device that contains the organization's information. ***This right to delete such information may be exercised remotely or on-site if the organization determines such action is necessary to protect confidential, sensitive, or proprietary information. Please understand that in downloading any such information to a personal mobile device, you are consenting to the organization's ability to delete this information at any time*****.** This policy covers mobile devices such as smart phones, tablets, laptops, and any similar devices. Please ensure that you regularly sync any personal data (*e.g.*, applications, information, photos) to another device/computer for safekeeping, as the wipe command does not differentiate between business and personal information.

Mobile devices should be set to lock after every 10 minutes for security reasons. A PIN-based lockout is required and the PIN must be given to the Information Technology department.

***Use of Internet, VPN (Virtual Private Network), and Commercial Online Systems***

Although the Port of Newport recognizes that the Internet has useful applications to our business, you may only engage in limited personal use of the Internet. You are responsible for exercising good judgment regarding the reasonableness of personal use. If there is any uncertainty, you should consult your supervisor or manager.

Also, management approval is required before anyone can post any information on commercial online systems, the VPN, or the Internet. Any material not owned by the Port of Newport that will be posted must have received all proper copyright and trademark permissions from its originators prior to approval. For newly generated material, an employee should obtain copyright and

trademark designations, as appropriate, prior to posting any content; the posted content should include copyright and trademark notices. Absent prior approval to act as our official representative from Port of Newport, you must include the following disclaimer with any information you post: "Views expressed by the author do not necessarily represent those of the Port of Newport."

***Social Media and Networking***

Social networking websites and online communities, such as Twitter, LinkedIn, Facebook, and Flickr are increasingly used and can be accessed by individuals not only from computer systems, but also from smart phones. These tools have value because they can be used to promote the Port of Newport and share information; employees may also use these systems as a quick communications and networking tool to complete projects. It is not the intent to unduly limit employees' access to these conduits, however, guidelines and expectations surrounding their use are necessary as there are liabilities inherent in such use. When any employee is using organization-provided computers or cell phones or is representing the organization via social networking activity, that individual is expected to represent the organization in a professional and positive light. The Port of Newport wishes to use social networking exclusively to its advantage, preventing and minimizing any negative outcomes. This includes ensuring that all employees will be free from harassment and unprofessional behavior when utilizing or consuming social media; therefore, employees authorized for its use must abide by all applicable laws (including copyright) and ethical considerations. Please refer to the "IT Security Policy, adopted November 19, 2019" for complete details.

***Posting***

Business Use

Employees may use social networking websites to conduct organizational business, as long as such use is authorized and complies with the organization's policies. Company logos or other organizational information must conform to pre-approved marketing concepts and standards. We do not endorse making business references on behalf of others on sites such as LinkedIn.

***Ownership of Social Media Accounts***

In the case that a social media account is set up for business purposes, the organization has the right to review, edit, and delete content associated with the account. The organization will have access to information associated with the account such as the username and password, and any content associated with the account will be considered the property of the organization. If an employee separates from the Port of Newport, the organization has the right to assume control of this account.

***Monitoring***

While the organization does not routinely monitor social networking sites, other employers, organizations, and individuals do monitor and share information found on social networking websites. Again, posted information is public information.

***Protection***

Social networking sites collect profile information for advertising opportunities and criminal reasons. Phishing (e-mail messages asking for username and passwords, etc.) and spamming are two downsides. Never click on links asking for personal or confidential information. Heed security warnings and pop-ups. Use of these sites may mean more SPAM sent to your e-mail account. If possible, disable the ability of others to post HTML comments to your home page. When accessing these sites, use caution when you see a posting or link that looks suspicious; when in doubt, delete it. Viruses and spyware may damage the organization's operating system,

compromise data, or expose your privacy and that of others you communicate with via e-mail and social media sites.

Be aware that others may piece together personal information for identity theft purposes. Be prudent in making comments or posts which reveal your or others' travel plans or divulge other safety-sensitive and private information.

***Prohibited Conduct***

Behavior and judgment in an electronic environment should mimic behavior in a physical setting. Employees are expressly prohibited from posting content that is malicious, abusive, threatening, intimidating, coercing, profane, disruptive, discriminatory, or harassing. Defamatory statements are prohibited and employees should be aware they are personally responsible for the legal consequences of such statements.

Nothing in this handbook should be interpreted as limiting an employee's right to engage in legally protected speech or other activity. Failure to adhere to these standards and to use appropriate protocols will lead to further corrective action, up to and including termination.

***Telephone Usage***

The Port of Newport realizes that employees must occasionally make and receive personal telephone calls at work. Such calls must be kept to a minimum and should impact your work as little as possible. Unauthorized use of the telephone, including charging long distance calls to the organization, will result in corrective action, up to and including termination.

***Voice Mail System***

The voice mail system at the Port of Newport is the property of the organization and is provided for use in conducting organization business. All communications and information transmitted by, received from, or stored in this system are organization records and property of the Port of Newport, occasional use is allowed. You have no right to personal privacy in any matter stored in, created, received, or sent over the voice mail system. The Port of Newport, in its discretion as owner of the voice mail system, reserves the right to monitor, access, retrieve, and delete any messages stored in, created with, received by, or sent over the system for any reason and without employee permission. You are not authorized to retrieve or listen to any voice mail messages that are not sent to you.

***Cell Phones***

Where job or business needs necessitate immediate access to an employee, the organization may provide/require a business cell phone for work-related communications. This phone is provided for business use only. Business cell phones are not to be used for purposes not related to work. Keep in mind that cell phone internet usage, phone records, voice mail, and text messages are not private and may be accessed. If an organization-provided phone is used for personal business, any phone charges incurred by an employee related to the personal usage will be the sole responsibility of the employee.

Any use of a cell phone while driving may present an unsafe condition for the driver, other employees, and the general public. The organization prohibits the use of cell phones while driving, except when hands-free accessories are used. In cases where a cell phone call is necessary, employees must adhere to all federal, state, and local rules and regulations regarding such to help ensure the safe operation of both organization-owned and private vehicles. If an employee is using

a cell phone while driving and has an accident, any costs, fees, and fines shall be solely the responsibility of the employee.

# PERFORMANCE MANAGEMENT AND REVIEW

To establish a meaningful performance evaluation system upon which Port of Newport can continuously monitor the effectiveness of organizational operations and employee performance, all employees will receive regularly scheduled formal performance evaluations annually.

The objectives of our performance management and formal appraisal process are to:

- Ensure that employees know their individual performance against established performance standards;
- Determine how well the organization is doing in assisting employees with work performance and meeting goals;
- Ensure communication and two-way feedback;
- Provide a consistent, objective, and fair method of making compensation decisions;
- Provide a tool for career planning; and,
- Provide a permanent record of employee performance and organizational contributions.

Managers and supervisory personnel are accountable for providing employee development actions designed to improve and enhance employee performance such as:

- Reasonable employee training;
- Assigning, directing, controlling, and reviewing employee work;
- Assisting employees in correcting deficiencies; and,
- Objectively evaluating employee performance during the evaluation period.

Our performance appraisal program is intended to be participatory and equally involves both your input and your supervisor's. This allows you to contribute to the growth and improvement of the organization. You are encouraged to:

- Inquire about your performance periodically;
- Accept additional responsibilities and show initiative;
- Review opportunities for advancement within the organization;
- Ask for assistance in developing a goal-oriented path for advancement within the department or organization; and,
- Learn about training available to assist you in improving your skills or qualify you for a promotion or lateral transfer.

Performance evaluations serve as one factor in decisions related to employment such as training, merit pay increases, job assignments, employee development, promotions, and retention. Evaluations identify specific performance levels as compared to established standards, acknowledge the merit of outstanding performance, and prescribe the means and methods of improving performance deficiencies.

# CORRECTIVE ACTION

Everyone benefits when we work together and conduct ourselves in a manner that reflects the best interests of both the organization and its employees. It is the philosophy of the Port of Newport to correct performance deficiencies and address violations of policies and work rules in order to correct situations and avoid repetition.

You will be informed if corrective action is necessary as soon as possible after any performance problem has been identified. Your manager or supervisor will discuss the situation with you, explaining this policy and the necessity of corrective action to avoid other disciplinary actions.

Although one or more corrective action measures may be taken in connection with a particular performance problem, no formal order will be followed. Corrective action may include any of a variety of actions depending on the circumstances and severity of the particular situation.

Corrective actions taken at the discretion of management may include **any** of the following:

- Verbal counseling with you, which will be confirmed in writing by your supervisor and placed in your personnel file.
- Written warning, which will be placed in your personnel file.
- Suspension, which will be confirmed in writing for your personnel file. Suspension is normally used to remove an employee from the organization's premises during an investigation or as a disciplinary action. A suspension may be paid or unpaid. If you are suspended, it will be documented in your personnel file.
- Termination, which will be documented in your personnel file.

The corrective action process will not always commence with verbal counseling or include every step. The above options are not to be seen as a process in which one step always follows another. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or a subsequent offense. Consideration will be given to the seriousness of the offense, any change in behavior, and the circumstances surrounding the offense.

***Appeals from Disciplinary Action***

Any Regular full-time or part-time employee may appeal disciplinary actions, except that an employee serving on probation as a result of being promoted cannot appeal demotion back to the classification from which they were promoted. An employee may, within five (5) working days of the effective date of the disciplinary action, appeal the action. The appeal will be in accordance with the Dispute Resolution Policy as outlined on Page 17.

# COMPENSATION

# PAY ADMINISTRATION

The Port of Newport values high quality work from its employees and is committed to compensating employees for their efforts and results. It is our intent to provide a competitive compensation package that will attract, retain, and motivate employees. It is also our intent that policies and pay practices be administered consistently throughout the organization to ensure internal equity is achieved.

Your pay as a new employee is established based on the pay level of current employees performing work of comparable character and based upon factors such as your previous experience, education, and skills. This policy will be administered and interpreted in accordance with applicable federal and state laws and regulations.

***Pay Increases***
It is Port of Newport's policy to reward you with increases in pay for dedication in your work, extra effort, and contributory performance. Management does not award increases on an automatic basis or at preset intervals. Your supervisor/manager will determine if an increase is warranted at the time of your performance review; factors considered will include performance evaluation factors. Recommended increases are not effective until approved by both the next level of management and the General Manager.

Because information about your rate of pay and any increases is sensitive and personal, we ask that you exercise discretion and care regarding the discussion of these matters.

# THE COMPENSATION PLAN

***Maintenance of Plan***
The General Manager, with input from the Division Directors, is responsible for the maintenance of the compensation plan. The compensation plan includes for each class a minimum and maximum rate of pay and intermediate steps as are considered necessary and equitable. Annually the plan shall be reviewed and adjusted based on market rates, rates paid by other public and private employers for comparable work, unusual problems or recruitment issues, turnover, cost of living, and any other relevant factors.

***Cost of Living Adjustments***
The General Manager may include a cost of living adjustment when developing the annual compensation plan. The cost of living increase should be based on the Consumer Price Index, West Region. The cost of living increase is not guaranteed, but should be included if sufficient funds are available.

***Administration of Plan***
Each employee shall be paid a rate of pay within the salary range for the class in which they are employed.

***Entrance Salary***
The entrance salary will be based on a pay equity analysis for positions with multiple staff in similar positions. The General Manager will approve any entrance salary of step 4 and above.

***Step Increases***
Step increases are typically the next step of the salary range for the class. Step increases will be based on the Employee Performance Evaluation. Step increases are not automatic. Division directors and Supervisors shall recommend to the General Manager those employees they feel are qualified.

***Eligibility for Step Increases***
Employees shall be eligible for a Step increase only at the start of a fiscal year regardless of anniversary date, unless an exception is made by the General Manager.

***Salary Consideration at the end of the Probationary Period***
Increase in Salary as result of superior performance during the Probationary Period. The General Manager/department head may apply a step(s) increase if warranted at the end of the probationary period. The increase must be within the total amount budgeted for the position. No obligation for this adjustment will be implied by the General Manager/department head during recruitment.

***Movement to a Higher Classification***
When an employee is promoted or reclassified to a classification having a higher salary range, they may be given an increase to a higher rate of pay in the new salary range. Employees moving to a higher classification must meet the Minimum Qualifications for the higher pay range within six (6) months of starting the new position. Failure to meet the minimum qualifications will result in demotion to the lower class position, including a pay reduction.

***Demotion***
If any employee is demoted or reclassified to a class with a lower salary range for reasons which do not reflect discredit on his or her employment record, their salary rate shall remain the same as long as the rate is within the salary range of the lower classification. Demotion for cause will result in a corresponding reduction in salary.

***Transfer***
When an employee is transferred from one department to another, or from one classification to another classification having the same salary range, their pay will normally remain the same.

***Consideration***
The consideration and allowance or rejection of the issues in this sub- chapter are subject to the existence of funds for said purposes and budgetary limitations.

***Employment Contracts***
Contracts with employees shall make every effort to meet the terms of the adopted compensation plan. However, the Port of Newport Board of Commissioners reserves the right to approve employment contracts that may deviate from the plan. Employment contracts usurp the terms and policy laid forth in these rules.

***Bonus Consideration***
The General Manager has the authority to issue on behalf of the Port a holiday bonus to employees in an amount not to exceed $100 per employee based upon financial and other considerations. The Commission grants the General Manager an equal bonus as may be issued to other Regular Full-Time and Part-Time employees.

# PAY PRACTICES

***Paydays***
You will be paid twice a month. Paydays are on the 15th and the 20th of the month. If a payday falls on a Saturday, Sunday, or banking holiday, paychecks will be distributed or direct deposited on the Friday prior to the established payday. If a payday falls on an organizational holiday, you will receive your check on the last workday prior to the holiday. Employees are normally paid by direct deposit, but you may request payment by check instead by opting out, if you choose to receive a manual check, paychecks will not be delivered to anyone else without your written request.

***Payroll Deductions***
Certain mandatory and elective deductions which are made from employee pay are noted on the paycheck stub. The only deductions made are those mandated by law or authorized by you in writing.

***Pay Advances***
Advance payments of salary may be granted in emergency situations but must be approved by an immediate Supervisor and the Director of Finance and Business Services. Each request for an emergency draw will be reviewed individually. Employees may not request more than two (2) draws per year. Employees are generally encouraged to find other appropriate resources for any financial difficulties, however.

In order to receive approval, emergency draws cannot exceed an amount equal to the hours accumulated at the time of the request, less any funds required for voluntary and involuntary deductions; advances may never exceed an employee's net salary for the pay period. The amount of any pay advance will be withheld from the employee's paycheck covering the pay period the wages were drawn against.

***Method of Payment***
Employees are normally paid by direct deposit, you may opt out of Direct Deposit either verbally or in writing. A statement showing gross earnings, deductions, and net salary is provided by our time keeping system and is available online at ADP.

***Employee Withholding Allowance Certificates (Form W-4)***
You are required to furnish the organization with an Employee Withholding Exemption Certificate (W-4) at the time of hire. You may file a new W-4 form any time. When you submit an updated Form W-4, the organization will implement the desired changes as soon as is reasonably possible, but no later than the start of the first payroll period ending on or after the 30$^{th}$ day from the submission date. We encourage employees to seek tax advice if they have questions about withholding amounts.

***Time Records for Non-Exempt Employees***
The time card is a record of time worked and must be filled out by-weekly, although daily is preferred. It provides a permanent record of time spent on the job, indicating the exact time you worked. Each non-exempt employee will be issued a time card at the start of the pay period.

Time cards should be reviewed carefully for completeness and accuracy at the end of each week, as they will be used to calculate pay. Supervisors will review and approve time cards each pay

period. Time cards must be completed **online via ADP**. If an error needs to be corrected, the time card must be reviewed by the manager/supervisor for appropriate action. All manual entries or corrections must be made, reviewed, and approved by the supervisor or other appropriate management member. Time cards should be reviewed and approved at the end of the pay period. Your electronic approval on the time sheet each pay period verifies that the times and dates are true and accurate to the best of your knowledge. You should never allow someone else to make entries on your time card. Willfully falsifying a time card will be grounds for corrective action, up to and including termination.

***Time Records for Exempt Employees***

Employees classified as exempt are not required to fill out time cards and no deduction of pay will be made for hours worked fewer than eight (8) hours per day, unless authorized by law. However, because the Port of Newport does have paid time off benefits programs, if you have earned time in these bank(s), you must use this time first to cover any time off that is less than your normal work day.

***Dispute Resolution Process for Paycheck Errors***

If you have any questions regarding your pay or feel a manager or supervisor has made a change to your pay that you do not believe is accurate, please contact the Director of Finance and Business Services or the Director of Operations.

***Final Paycheck***

While we request that you give us at least 10 working days' advance notice prior to departure when resigning or retiring from the organization, if you provide us with at least 48 hours' notice (excluding holidays and weekends) you will receive your final paycheck on the last day worked. If less notice is given, the final paycheck will be provided within five business days (excluding weekends and holidays) or on our next regularly scheduled payday, whichever occurs first. Final paychecks will include all wages earned through the last workday plus payment for any accrued and vested benefits that are due and payable at separation.

# HOURS OF WORK AND WORK SCHEDULES

***Organization Hours***
The general office hours at the Port of Newport are 8:00 a.m. to 5:00 p.m., Monday through Friday.

Specific workday and workweek schedules for each employee will be determined from time-to-time by the appropriate manager/supervisor based on the organization's needs. We will attempt to notify you of any changes in workdays or workweek schedules two weeks prior to the effective date of change. Management reserves the right to modify schedules consistent with the needs of the organization.

The normal workday is 8 hours. The total hours in a normal workweek are 40, Sunday through Saturday. If you are a non-exempt employee, you should not begin work before your normal starting time or continue working beyond the normal quitting time without explicit advance approval from your supervisor.

***Overtime***
The Port strives to keep overtime to a minimum, but you may be required to work overtime. Overtime hours will be paid to non-exempt employees at one and one-half times (1.5) the regular rate of pay for all hours worked in excess of 40 in a regular workweek, or as otherwise required by state and federal laws. Paid time off will not be considered when computing overtime. Your **department supervisor must approve any overtime hours in advance** or else you may face corrective action, up to termination.

***Compensation Time***
Compensation for overtime may be in the form of compensatory time off. Compensation time will be at the rate of time and one-half for time worked. Compensation time must be used within two (2) months of earning it. The General Manager will determine when compensation time will be awarded instead of cash compensation.

***Cash Payment***
Any employee who terminates Port employment shall be entitled to cash compensation for overtime worked for which they have not been compensated. In case of death, compensation for accrued overtime shall be paid in the same manner that salary due the descendent is paid.

***Overtime Work on Holidays***
Employees eligible for overtime compensation who are required to work on holidays shall receive compensation in the form of cash compensation. If a holiday falls during a weekend so that Friday or Monday is the designated holiday, overtime for the holiday shall be allowed for work performed on the Monday or Friday. If the normal work hours are eight (8) hours for the holiday, the employee will receive an extra eight (8) hours of pay, if the normal work hours are ten (10) hours, they will receive an extra ten (10) hours of pay. Temporary or seasonal employees who are not eligible for holiday pay and have not worked more than forty (40) hours in a regularly scheduled work week will be paid straight time for work performed on holidays.

***Working Out of Class***
Whenever an employee is assigned the duties of the supervisor for more than thirty (30) consecutive working days, the employee shall be compensated for such duties at the discretion of the General Manager.

***On Call***
Definition: Time spent away from the workplace, but you are available to work, in the rare instance you are requested to do so via telephone or other means. You are not required to restrict your activities while on-call, and must remain free of the influence of alcohol or drugs. The On Call policy applies to Regular Full-time non-exempt employees only.

In the rare event you are called to work, you will be paid for travel time and for the time worked or a minimum of two hours, whichever is greater. You will receive an additional $1.00 per hour for your travel time and for the time worked or a minimum of two hours, whichever is greater.

***Meal and Rest Periods***
Meal and rest periods will be provided for you according to any applicable state regulations. Supervisors will review these and establish schedules. Non-exempt employees are not permitted to work through a meal period unless approval from a supervisor (in an emergency situation) is obtained before the scheduled meal break. In these situations, the meal period will be paid time.

***Lactation***
The Port of Newport promotes and supports the practice and need for employees to express breast milk on its premises upon their return to work.

Until their babies are 18 months old, employees may take reasonable rest periods of no less than 30 minutes during every four-hour work period (or major part thereof) to express breast milk. Nursing breaks may be taken concurrently with regular meal and rest breaks, although additional reasonable break time will be made available, as required. Management and employees should work together to find mutually agreeable hours of work and breaks which support the continuation of expressing breast milk.

If an employee perceives or observes adverse treatment with respect to the expression of breast milk, a supervisor/manager should be informed immediately.

The Port of Newport will provide a private space with an electrical outlet, within the office building, to express breast milk. This space may vary according to available empty rooms. Check with your supervisor. Hand washing facilities and a refrigerator will also be available at all sites and appropriate signage for privacy will be supplied.

Employees will be responsible for the storage of the expressed milk. The milk, if stored in the refrigerator provided, must be clearly labeled with the employee's name. To ensure the safety of stored breast milk, it is recommended that the container used to store the milk be sealed in a plastic bag to prevent contamination.

***Social and Recreational Activities***
Participation in off-duty social or recreational activities such as organization picnics and holiday parties is entirely voluntary. Participation or nonparticipation will not affect your wages, hours, working conditions, or present or future employment opportunities.

***Inclement Weather and Emergency Closures***
Emergencies such as severe weather, fires, power failures, earthquakes, and other natural disasters can disrupt organizational operations. In extreme cases, these circumstances may require the closing of our offices.

In the event that the Port of Newport makes the decision to close the office prior to the start of the business day, the closure will be announced via an organization-wide email from the General Manager. A closure message will also be recorded on Port of Newport's general voice message line. It is the responsibility of each employee to check e-mail and call the voice message line for an update, if there is any doubt regarding office operations.

If a decision is made to close the office after the business day has already begun, the closure message will also be announced via e-mail (or other method).

Exempt employees will be paid for all absences full-day related to emergency closures.

Non-exempt employees will not be paid for time away from work due to office closure; however, with supervisory approval, available PTO may be used. Non-exempt employees who have reported to work before the decision to close is made will be paid for time worked, or a minimum of two (2) hours, whichever is greater.

# EMPLOYEE-INCURRED EXPENSES AND REIMBURSEMENT

The Port of Newport will pay reasonable business-related expenses you incur while performing your job responsibilities. Prior to traveling you should review the Port's Travel policy for reimbursable expenses, but also may be provided with a travel card. All such expenses must be pre-approved by your supervisor before payment will be made.

Expense reports are due to your Supervisor or a Director within 5 five days following the end of the month.

***Mileage Reimbursement***
When you use your own vehicle for organization business, you will be reimbursed for organization-related business travel at the current IRS determined rate per mile.

In order to recover these costs, an expense report must be signed by you and dated, initialed by your supervisor/manager, and submitted to the Finance Department for processing according to policy. If you have questions about expense reports and mileage allowances, ask your supervisor.

You assume liability for your vehicle when you use it for business purposes. All employees who want to use their personal vehicles for organization business must sign statements verifying that they have a current driver's license and the minimum vehicle liability insurance required by state law. This insurance will be primary.

# PAY EQUITY STATEMENT

The Port of Newport strives to ensure all employees receive an equitable total compensation package based on a variety of factors relating to their position, job performance, education, and experience. From time-to-time, employees performing work of comparable character may have different compensation levels. Any such differences will be based on the Port of Newport's objective processes for evaluating an employee's work and one or more of the following factors: seniority, merit, quantity or quality of work, workplace location, regular and necessary travel, education, training, experience, or any combination of those factors. Employees who believe they are not being compensated fairly are encouraged to discuss the matter with their Supervisor, or a Director to obtain clarification.

# BENEFITS

# PURPOSE AND POLICY

The Port of Newport strives to provide the most equitable and cost-effective benefits for employees in recognition of the influence benefits have on employees' economic and personal welfare. Paid in various benefit forms on your behalf, the total cost of providing the benefit program is a significant supplement to your pay and should be viewed as additional compensation.

Policies, provisions, and procedures that govern the organization's benefit program apply to all regular full-time and part-time employees, whether exempt or non-exempt, unless otherwise stated in a particular benefit plan. Benefits do not apply to temporary, seasonal, or on-call employees.

Some benefits may accrue during your new-hire probationary period, but in most cases eligibility to use these benefits will not occur until you obtain regular employee status or meet other conditions of employment specified in the Handbook or contained in the benefit policy/plan booklets.

***Benefit Pro-ration and Employee Cost Sharing***

If you are a regular part-time employee, your benefits are prorated based upon the number of hours you work. Essentially, you accrue vacation and sick leave benefits at a lower rate than a full-time employee because your accrual rate is based on fewer hours.

Discretionary employee benefits not mandated by state or federal law are selected and controlled by the Port of Newport. Decisions to provide these benefits are based on such considerations as cost, composition of our workforce, operational efficiency, and desirability of benefit provisions. When costs of discretionary insurance benefit plans exceed the organization's interest in or ability to pay the full premium, we will require you to share in the cost of your coverage.

***Benefit Design and Modification***

The Port of Newport reserves the right to design plan provisions and to add, eliminate, or otherwise modify the benefits described in this Handbook or elsewhere in plan documents when it is in the organization's best interest. Consider that changes to benefits may occur at management's discretion prior to making a serious, long-term decision based solely on current benefit offerings.

***Benefit Plan Documents***

You'll receive summary plan descriptions upon eligibility and enrollment. The benefit programs are explicitly defined in legal documents, including insurance contracts, official plan texts, and trust agreements. In the event of a conflict between these documents and this policy, the plan documents govern. These official documents are available from the Director of Finance and Business Services for your review. We ask that you refer any questions about this information to WHA Insurance, the Port of Newport's agent of record, or any other future agent of record as designated by Port of Newport.

Individual benefits may be modified, become more expensive, or may even be eliminated in the future because of cost increases or as a result of changes in our business situation or economic conditions. We encourage you to be thoughtful about relying solely on these benefits, given that they are subject to change. Upon separation from employment, employees may be eligible for the continuation of benefits consistent with state and federal law. Any benefits described in this Handbook apply only so long as the Handbook is current; employees do not have vested rights.

# HEALTH INSURANCE BENEFIT

The Port of Newport currently provides health insurance coverage for all employees and their dependents if they are otherwise eligible to participate in the plan. You were provided with information about the plan at the time you were hired, you are eligible for benefits after the first full month of employment at the Port.. You are asked to review the summary plan description for answers to questions you may have. Any need for further information should be referred to the Director of Finance and Business Services.

***Eligibility***
This benefit is provided for all regular full time employees. If otherwise eligible, you may begin to participate in the plan after you have completed 30 days of continuous employment. Insurance plan coverage begins on the first day of the month following completion of 30 days of employment. Part-time, temporary, seasonal, and on-call employees are generally not eligible to participate in the health insurance plan.

***Plan Enrollment***
You will be asked to complete the enrollment forms when you are hired. If you don't want to enroll at the time of eligibility and later decide to request enrollment, you will only be allowed to enroll if you can demonstrate that a qualifying event has occurred which qualifies you for a special enrollment period.

The Port pays the full monthly premium for enrolled employees.

Coverage for dependents of employees is also available; however, you are responsible for the full cost of the monthly premium associated with this coverage.

An eligible employee who chooses not to enroll in the insurance plan is not entitled to any other form of compensation in lieu of coverage and is required to sign a written waiver of participation.

Medical information is covered by HIPAA regulations. The Port of Newport realizes the responsibility we have to treat your private health information with great care and discretion. We have implemented safeguards to protect this information.

***Premium Cost***
Specific types of coverage and benefit payment schedules are described in the organization's health care plan booklet that is available to all eligible employees. At the time of eligibility and during open enrollment each year, you will be informed of how much the organization will contribute toward your monthly premiums if you are eligible to participate in the plan. Premium rates are established by the insurance carrier and are subject to change, usually based on increased costs to provide medical services and the amount of services our employees require.

Any premium co-payment and dependent coverage you are required to pay is funded through a monthly payroll deduction. The Port of Newport determines the payroll deduction schedule.

***Termination of Coverage***
In the event that you or your dependents lose eligibility to participate in the health plan, you may have the health plan coverage extended for a period of time. Eligibility can be lost due to a prolonged absence from work or if certain "qualifying events" occur that would otherwise cause

your or a dependent's group health coverage to terminate. Examples of qualifying events are termination of employment, a reduction in hours, divorce or legal separation, entitlement to benefits under Medicare, a dependent child reaching the age of 26, or a leave of absence. You must notify us or the plan when a dependent child loses eligibility or in the event of divorce or legal separation.

You, your spouse, and dependents may continue group health insurance for a certain period of time at your own expense under COBRA. However, continuation does not occur automatically. You and any dependents have 60 days to enroll in the plan, which starts on the later of a) the date the election notice is received or b) the date you and any dependent would otherwise lose coverage; you have 45 days to pay the initial premium. Coverage will be retroactive to the date of the qualifying event. You and any covered dependent will receive information about the provisions of the law when you first enroll in benefits and again if a qualifying event occurs.

***Portability/Conversion of Health Plan***
If you've been continuously covered under our group medical insurance policy for at least 180 days and your employment with us ends, you may be eligible to convert to an individual policy with our insurance carrier. You may request this portability coverage before, during, or at the end of the benefit extension period described above. However, you must apply for portability coverage from our insurance carrier within 60 days after your group coverage ends. Please contact the insurance carrier for more information about this coverage.

# DENTAL INSURANCE BENEFIT

The Port of Newport provides a Dental Insurance plan for employees.

***Eligibility***
Employees regularly scheduled to work 30 hours or more per week are eligible for dental insurance coverage on the first day of the month after 30 days of employment. Part-time, temporary, seasonal, and on-call employees are not eligible to participate in dental insurance.

***Cost***
At the time of eligibility and during open enrollment each year, you will be notified of how much the organization will contribute towards monthly premiums.

Employees may enroll dependents in the dental care plan, but must pay all of the premium costs associated with this coverage, which will be deducted from the employee's paycheck.

# OTHER INSURANCE BENEFITS

***Group Life Insurance***
We provide group life insurance coverage for eligible employees. Employees who are regularly scheduled to work 32 hours per week or more become eligible for this coverage on first day of the month after 30 days of employment. The amount of insurance coverage is $50,000. The Port of Newport pays the full premium.

***Premium Only 125 Plan***

The Port of Newport provides a Premium Only 125 Plan that allows employees to have any group medical, dental, or vision premium contributions deducted from their checks on a pre-tax basis. Details will be provided to employees at the time of eligibility, or during the orientation session. You become eligible the 1st day after 30 days of employment.

***HRA Plan***

The Port of Newport will reimburse employees for eligible expenses (i.e. out-of-pocket expenses) of individuals, the individual pays first $1,000 of deductible, the Port will reimburse for the deductible met between $1,000 and $4,500. Member pays remaining deductible from $4,500 to $5,000. For families, the family pays the first $2,000, the Port will reimburse for the deductible between $2,000 and $9,000, the family pays the remaining $1,000. The unused reimbursement may not be liquidated by the employee nor may it be carried over.

# PAID TIME OFF BENEFIT

The Paid Time Off (PTO) program provides paid time off to be used at the employee's discretion, while protecting an allotment of time for illness, injury, or preventative care, in compliance with applicable sick time regulations. PTO is a combination of vacation and sick time days.

***Eligibility***

All regular Full time employees are eligible for PTO accrual. Seasonal, temporary, Part-time and on-call employees do not earn PTO. Unless otherwise negotiated or modified at the discretion of the General Manager, Full-time employees earn PTO hours at the following rates:

| Years of Continuous Service | Hours Accumulated |
|---|---|
| 0-5 | 160 (twenty 8-hour days) |
| 6-10 | 200 (twenty-five 8-hour days) |
| 11 or more | 240 (thirty 8-hour days) |

PTO begins to accrue on the first day of the first full month of work, but employees are not eligible to use PTO the first ninety (90) days of service. Employees who are off work on a leave of absence do not earn PTO.

***Maximum Accumulation***

Employees are allowed to carry the following maximum amounts of PTO during the year. Any employee that is about to lose PTO credit because of limitations should notify their supervisor to prevent loss of PTO.

| Years of Continuous Service | Hours Accumulated |
|---|---|
| 0-5 | 320 hours |
| 6-10 | 360 hours |
| 11 or more | 400 hours |

Appropriate notice is necessary so that PTO time can be scheduled for employees. The following schedule is recommended, but supervisors can revise it to meet their needs, except where doing so would conflict with applicable law.

| Reason for Time Off | Required Notice |
|---|---|
| Illness/Injury | Two (2) hours prior to start of shift |
| Planned Needs | Two (2) weeks |

PTO time is considered replacement time and may be taken only for scheduled work days and hours.

The notice schedule should provide time for departments to arrange for adequate coverage during employee absences. However, if management is unable to schedule time off, requests may be denied even though sufficient advance notice has been given. If more than one employee in a department asks for the same time off and gives the required advance notice, length of service within the department will be considered in granting the requests. PTO must be used in increments of one (1), hour or more.

***All PTO will be paid at an employee's regular rate of base pay. Maximum PTO Payout***
If an employee voluntary resigns and/or is terminated, the following is the maximum payout to an employee, an employee who terminates during the initial probationary period shall not be entitled to payout for PTO that has accrued:

| *Years of Continuous Service* | | *Accumulated Hours* | |
|---|---|---|---|
| | | | *per year* |
| *0-5 (0-60 mos.)* | | | *80 hrs.* |
| *6-10 (61-120 mos.)* | | | *120 hrs.* |
| *11+ (121+ mos.)* | | | *160 hrs.* |

***PTO Donations***
Employees may donate PTO to a co-worker who has exhausted all accumulated PTO from an extended illness or injury. In such event, the Port's only involvement shall be to transfer an employee's PTO in accordance with the employee's request and add it to the PTO balance of another employee.

***Donation Guidelines:***
The receiving employee will be compensated for PTO at their regular rate of pay. (Example: Employee A earns $10/hr. and donates thirty (30) hrs. to Employee B. Employee B earns $15/hr. and would receive twenty (20) donated hours.)

A document stating the donation shall be signed by the employee and placed in the employment file.

The PTO transfer from any one employee to another may (a) not exceed forty (40) hours in a calendar year; nor (b) exceed forty (40) hours in the last twelve (12) months.

The donating employee must have at least one hundred twenty (120) hours remaining in their own PTO balance after the transfer.

Once PTO has been transferred, it is gone and can only be replaced if transferred from a co-worker according to these guidelines.

The receiving employee may not receive more than twenty-four (24) days of transfer PTO from all co-workers.

Employees may not donate compensatory time or any other accrued or earned leave.

Employees may not donate PTO to receiving employees with a balance of PTO or compensatory time.

Employees otherwise eligible for, or receiving, disability benefits, workers compensation or parental leave will not be considered eligible to receive donations under this program.

# PAID HOLIDAY BENEFIT

The Port of Newport observes the following holidays each year and our offices are officially closed on these days:

New Year's Day
Presidents Day
Independence Day
Veterans Day
Day after Thanksgiving
Floating 8 hour holiday*
Martin Luther King Day
Memorial Day
Labor Day
Thanksgiving Day
Christmas Day

***Floating Holiday:**
Personal holidays shall be credited on a calendar year basis and must be used within that calendar year. If an employee's initial anniversary date is after June 30th, they will not receive a personal holiday for that calendar year. Upon termination, an employee will be paid for an unused personal holiday for that calendar year, provided that termination occurs after June 30th of that year. Employees who terminate during the probationary period shall not be paid for any unused personal holiday time

Employees will receive a schedule each year showing the date each of these holidays will be observed. These holidays or any additional time observed, such as Christmas Eve or New Year's Eve, will be determined each year at management's discretion.

***Eligibility***
Employees regularly scheduled to work **32** hours or more per week will be paid for the above holidays.

# OTHER BENEFITS

***Employee Assistance Program***
The organization recognizes that employees and their family members may, from time-to-time, face personal issues that affect their careers and personal lives or both. Solutions to some of these problems may not be readily apparent. To this end, we offer, at no expense to you, the services of outside professional counseling for you and your family to help deal with personal problems such as family relationships, substance abuse, etc. You or anyone living on your property may consult with these professionals on a confidential basis at no cost. Literature describing plan provisions and how to contact our providers is made available during your probationary period and to all staff members as plan provisions change.

This benefit is available to all benefit eligible employees on the first day of the month following 30 days of employment.

***PERS Retirement Plan***
Full-time and part-time benefit-eligible employees are automatically enrolled in the State of Oregon Public Employees Retirement System (PERS) Retirement Plan six (6) calendar months from date of hire. ). Each employee shall be responsible for their member-paid pre-tax contribution to the plan (6% of gross wages). The Port shall be responsible for employer contributions at the rates set by PERS.

| | | |
|---|---|---|
| A. | Tier I | 13.99% |
| B. | Tier II | 13.99% |
| C. | OPSRP (Tier Ill) | 6.14% |

The Port of Newport offers a Deferred Compensation Plan for its employees through the Oregon Growth Savings retirement account. This plan is funded entirely through voluntary contributions.

# TRAINING

The Port of Newport encourages and promotes training opportunities for all Port employees. The General Manager shall assist department heads in meeting the training needs of the personnel of their departments; and in cooperation with department heads, shall encourage the development of departmental and inter-departmental training programs designed to meet personnel needs, and to prepare employees for promotion to positions of greater responsibility.

### *Orientation of New Employees*

All new employees will go through a training orientation.

### *Time of Training Periods*

Training periods may be conducted either during or after regular working hours or both. Training sessions conducted during regular working hours should be arranged so as not to interfere with work schedules as much as possible.

### *Types of Training*

For the purposes of administering this rule, three (3) general categories of training are recognized. These categories are:

In-Service Training. This category includes those courses which are initiated by the Port and are aimed primarily at improving the specific abilities of employees in performing of, or broadening their, general comprehension of Port operations.

Specialized Individual Training. This category includes special training courses which are usually initiated by some other group, but which have special interest directly relating to the work performed by one or more Port employees. This category includes seminars and training sessions held by professional organizations and specialized short courses.

Academic Training. This category involves courses offered by colleges, universities, or the local school districts for academic credit. It includes courses taken to improve an employee's knowledge in a specific area which would improve their performance as an employee with the Port. Correspondence courses may be included in this category.

### *Tuition Aid*

"Tuition Aid" is defined as full or partial payment or reimbursement for tuition costs of specialized individual training or academic training. This tuition aid will be provided if funds for such expenditure are available in the current budget, and you receive a grade of C or better and if the employee is not receiving reimbursement for tuition from any other source.

Employees who desire tuition aid for specialized individual training or academic training shall submit their requests through their department head. Requests will be reviewed by the department head and forwarded to the General Manager for approval. Prior approval of the General Manager must be obtained before the training starts to qualify for tuition aid. When the training is completed, evidence of satisfactory completion of the training will be submitted to the General Manager. Employees completing any tuition aid program must continue to work for the Port for at least two (2) years after their program is complete. Otherwise, they must reimburse the Port for their tuition.

# LEAVES OF ABSENCE

# LEAVE OF ABSENCE POLICY

We realize that our employees may encounter situations that require a temporary short-term or extended absence from work. We offer several different types of leaves of absence for the following purposes:

| | | |
|---|---|---|
| Bereavement Leave | Disability Leave (Non-FMLA) | Family and Medical Leave |
| Civic Duty | Military Leave | Leave to Donate Bone Marrow |
| Personal Leave | Crime Victims' Leave | Domestic Violence Leave |

The type of leave requested may determine which employees are eligible and what procedure should be followed in requesting and obtaining the leave. The effect of the leave on benefit accruals, benefits, and reinstatement rights also varies according to the type of leave you are requesting. Each of these leaves is discussed on the following pages. If you have any questions about your potential eligibility for a leave or your benefits and rights while on a leave, please contact the Director of Finance and Business Services.

You are eligible to take a Bereavement Leave in the event of the death of the following immediate family members:

- Spouse/Domestic Partner
- Biological, Adoptive, Foster, or Stepchild
- Parent
- Grandparent/Grandchild
- Parent-in-law
- Another Person of "In Loco Parentis" Relation

Leave to attend the funeral of a non-immediate family member with whom you had an especially close relationship may also be granted at the discretion of management.

This leave may be taken to attend the funeral (or alternative) of the family member, to make arrangements necessitated by the death of a family member, or to grieve the death of a family member. The leave must be completed within 60 days after the date on which you received notice of the death of your family member.

Length of Leave

The total length of leave you may be granted for bereavement is situational and may be decided based upon the unique circumstances of your need and applicable law. If you qualify for OFLA, at a minimum, you are allowed to take up to two weeks off per death of an immediate family member. If you need additional time off for any bereavement-related purpose, you may ask for more time which may be granted according to applicable law or at the discretion of management.

Request Procedure

If possible, you should provide notice of the need for leave 10 days in advance. You are required to at least provide oral notice within 24 hours of taking leave, but someone else can do this on your behalf, if necessary. You must provide written notice of the request for time off within three (3) days of returning to work.

Pay While on Leave

You will continue to receive regular pay based on straight-time work hours missed up to eight (8) hours a day for up to five (5) days, which is the maximum company-paid absence allowed. Employees may choose to cover an additional period of absence with any available **PTO/OFLA** policy.

# CIVIC DUTY LEAVE

***Jury or Witness Duty Leave***

Employees subpoenaed to serve as witnesses or for jury duty may obtain a protected leave of absence. If we feel that your absence would cause an undue hardship to you or the organization, we may instead request, with your agreement, that jury duty be postponed. You may choose to use your accrued paid personal time available for voluntary service as a witness or for court appearances you must make as part of your own legal proceedings or lawsuit.

Length of Leave

Jury or witness duty leave is available for the period of time covered by the initial subpoena or court order and any involuntary extensions.

Request Procedure

You must notify your manager or supervisor as soon as is practicable after you receive notice asking you to serve as a witness or on a jury so that arrangements can be made to cover your position. You are expected to provide us with a copy of the subpoena or notice within five (5) days after you received it.

Pay While on Leave

You will be compensated for the difference between the civic pay received and your regular rate of pay, if you are a non-exempt employee. For exempt employees, any partial day or partial week worked will be paid in full; employees are required to remit any jury fees received in connection with their service.

Status of Benefits

Benefits are not affected by jury or witness duty leaves.

***Voting Leave***

We encourage all employees to vote and to take advantage of polling hours before or after work. However, if you are unable to vote outside of business hours, we will work to accommodate you in arranging a time for you to vote.

Request Procedure

You must notify your manager or supervisor before Election Day if you are unable to vote before or after work and provide a valid reason why voting during those hours is not possible.

Pay While on Leave

Time off to vote will be without pay for non-exempt employees, unless you have earned hours of vacation or personal time that you can use for that purpose.

# CRIME VICTIMS' LEAVE

If you or a member of your immediate family suffers financial, social, psychological, or physical harm as a result of a personal felony or an employee is a victim of harassment (under the public offenses statutes), you may be entitled to take protected leave from work to attend criminal proceedings.

Safety Measures
The company will provide reasonable safety measures, if you are the victim of harassment or a threat of harm that would be expected to cause concern.

Eligibility
You will be eligible to take crime victims' leave if you have worked an average of more than 25 hours per week for the organization for at least 180 days immediately before the leave would begin.

Length of Leave
The amount and length of leave time you may take is limited to that which does not create significant difficulty and expense (undue hardship) to the organization. If the organization must limit your leave due to undue hardship, we will notify the prosecuting attorney in the criminal proceeding, who is required by law to notify the court. The court will then take your work schedule into consideration when scheduling the criminal proceedings.

Request Procedure
You must provide your manager or supervisor with reasonable notice of your intention to take crime victims' leave, and provide copies of any notices of scheduled criminal proceedings that you receive from a law enforcement agency. We will treat such documentation as confidential information.

Pay While on Leave
Crime victims' leave is unpaid; however, eligible employees who take this type of leave are required to use any accrued paid personal time available to them. Exempt employees working partial days or a partial week will be paid in full for the entire week, although accrued time must be used first.

Status of Benefits
Benefits are not affected by crime victims' leave.

# DOMESTIC VIOLENCE LEAVE

An employee who is a victim of domestic violence, harassment (under the public offenses statutes), sexual assault, or stalking or whose minor child or dependent is a victim may be entitled to take unpaid protected leave from work.

Eligibility
All Port of Newport employees are eligible to take domestic violence leave.

Types of Services/Treatment
An employee may take leave to seek legal or law enforcement assistance, to secure medical treatment, to obtain counseling or victim services, to relocate, or to take other reasonable steps to ensure one's own health and well-being or that of a child or legal dependent.

Length of Leave
The amount of leave taken will be reasonable and that which does not create a significant difficulty and expense (undue hardship) for the organization.

Request Procedure
An employee accessing this leave provision needs to request time off from a manager or supervisor as much in advance as possible to aid in scheduling. We understand that instances of violence are usually not predictable, and these requests may be made with little forewarning. We will treat any information you share as confidentially as possible.

Safety Measures
The Company will provide reasonable safety measures, if you are the victim of domestic violence, harassment, sexual assault, or stalking.

Pay While on Leave
Domestic violence leave is unpaid; however, eligible employees who take this type of leave are required to use any accrued paid personal time available to them. Exempt employees working partial days or a partial week will be paid in full for the entire week, although accrued time must be used first.

Status of Benefits
Benefits are not affected by domestic violence leave. The Port of Newport strongly encourages any employee experiencing such an issue to avail themselves of the EAP's services and support.

# FAMILY AND MEDICAL LEAVE

Purpose

We are covered by the Oregon Family Leave Act (OFLA) which allows you to take a leave of absence for your own serious health condition. Leave is also granted for the birth or adoption of a child, for the placement of a foster child, for the care of a child, grandchild, spouse or registered same-gender domestic partner, parent, parent-in-law, or grandparent with a serious health condition, and for the care of a sick child, a spouse's or registered same-gender domestic partner's call to active duty in the military or leave from deployment, and bereavement due to the death of a family member. This handbook material is intended to outline our practice regarding this leave.

Eligibility

You are eligible for family and medical leave if the following requirements are met:

- You have been employed for at least 180 consecutive days (26 weeks) or more before the first day of the family and medical leave.

- You have worked an average of 25 or more hours per week as of the day before the request for family and medical leave is made. This average is calculated based upon the 180 days immediately preceding the request for leave. Some exceptions exist, including leave taken for the birth, adoption, or placement of a child (parental leave).

Reasons for Family and Medical Leave

The following situations qualify for family and medical leave:

- To care for an infant or a newly-placed adopted or foster child under the age of 18, or older than 18 if incapable of self-care due to mental or physical disability, within 12 months of the event (parental leave);

- To care for a family member with a serious health condition or your own serious health condition (serious health condition leave). [Note: Oregon covers child, parent, parent-in-law, grandchild, grandparent, spouse, registered same-gender domestic partner, and "in loco parentis" relationships.];

- For a pregnancy-related disability or prenatal care (pregnancy disability leave) [Note: employees who have used up their original 12 weeks for a serious health condition related to pregnancy are entitled to an additional 12 weeks of parental leave];

- To care for a sick child who does not have a serious health condition, but requires home care (sick child leave). Medical certification of sick child leave will be required after the third leave occurrence in each leave year. The Port of Newport will reimburse any out-of-pocket costs for medical certification. [Note: Employees who use up their original 12 weeks for parental leave are entitled to an additional 12 weeks of sick child leave. If only part of the 12 weeks is used for parental leave, the employee will only be eligible for the balance remaining on the 12 weeks for sick child leave or any other OFLA qualifying leave];

- To attend the funeral (or alternative) of a family member; make arrangements necessitated by the death of a family member; or to grieve the death of a family member; up to two (2) weeks of leave is available in each such case (not to exceed 12 weeks per leave year). The leave must

be completed within 60 days after the date on which you receive notice of the death of your family member. (See Bereavement Leave for details that may apply to those employees not eligible for OFLA leave)

Length of Leave

You may take up to 12 weeks of family and medical leave during a 12-month period. A week is defined as your normal work week schedule. The 12-month period will be measured forward from the date of leave using a calendar year. If medically necessary, family and medical leave may be taken on a reduced or intermittent schedule. Details of the proposed schedule should be attached to the Request for Family Leave form and should be verified by the certifying health care professional on the Health Care Provider Certification form, if applicable.

Under OFLA, an employee who takes leave for a disability related to pregnancy may qualify for up to 12 additional weeks of leave for any OFLA qualifying event in the same leave year; an employee who takes a full 12 weeks of parental leave may be eligible to take up to an additional 12 weeks of sick child leave in the same year.

Request and Certification Procedure

In situations where the need for medical leave is known, you must give thirty (30) days' written notice to take family and medical leave by filling out and turning in the Request for Family and Medical Leave form.

We recognize that many times the need for family and medical leave can be caused by serious or emergency situations. We will make every attempt to work with you to ensure that you receive all benefits to which you are entitled; however, you are expected to call us as required by our call-in policy and make every effort to communicate your situation to us immediately.

Most requests for family and medical leave require verification by a third party. Requests for leave related to a serious health condition (not parental leave) must be verified by a health care professional using the "Health Care Provider Certification" form, which needs to be returned within 15 days of our request for it. Bereavement leave may require a verification of the death in your family. You may also be asked to provide proof of your relationship to a person associated with your leave, as applicable. Please check with the Director of Finance and Business Services to discuss how best to provide this proof.

In the case of adoption, a legal representative who can attest to the validity of the adoption must verify the request for family and medical leave. In the case of placement of a foster child, a representative of the agency making the placement can verify the request.

Any medical information provided on either a personal health condition or the health condition of a family member is kept confidential and only those with a valid business-related reason for knowing any details will have access to any of this information. If you have any questions about how this information will be handled, please contact the Director of Finance and Business Services

Subsequent medical verification may be requested in connection with an ongoing absence but not more often than every 30 days. Exceptions exist, however, in situations where:

- Circumstances change significantly from the current certification; for example, the pattern of necessary absences changes;

- Information is received casting doubt on the employee's stated reason for the leave or the continuing validity of the certification.

Lastly, the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

General Provisions

You are required to use any accrued vacation, sick leave, or other paid leave available to you during the family and medical leave. When this is exhausted, the balance of the leave will be unpaid. You are required to provide periodic status reports to the organization while on a family and medical leave. The organization will continue to pay our share of your medical benefits during family and medical leave. You are responsible for paying your share of medical insurance premiums prior to the due date of the premium payment. You may continue other insurance benefits by paying the full cost of the premium for any leave in excess of four (4) work weeks in duration. Premium payments must be received by the due date or coverage will be discontinued.

Reinstatement

You are entitled to return to the same or an equivalent job with equivalent benefits, pay, and other terms and conditions of employment at the end of a family and medical leave. You may be required to present a fitness-for-duty certificate before being reinstated.

Other details regarding family and medical leave are available from the Director of Finance and Business Services**.**

# LEAVE TO DONATE BONE MARROW

Eligibility
Employees working 20 or more hours per week are eligible for this leave.

Length of Leave
An employee may use up to 40 hours of leave which may be taken as paid or unpaid time. In extenuating circumstances, approval to take more time off (paid or unpaid) may be granted by a supervisor or manager.

Request Procedure
You must notify your manager or supervisor as soon as is practicable after you become aware that you will be donating bone marrow. You are expected to provide a copy of the doctor's verification for bone marrow donation. If there is a medical determination that you do not qualify as a bone marrow donor, the paid leave of absence used before that determination was made will not be affected.

Status of Benefits
Benefits are not affected by this leave.

# PERSONAL LEAVE OF ABSENCE

Full-time, regular employees may be granted an unpaid personal leave of absence under certain circumstances. A personal leave of absence is an approved period of time away from work for personal reasons that do not fall under the guidelines of the Family and Medical Leave Policy or any other leave policy. A personal leave of absence is granted at our discretion and is normally granted to protect the length of service and benefit rights of an employee whose service might otherwise be terminated.

Eligibility

You become eligible for a personal leave of absence after **12** months of service; all earned paid leave must be exhausted first. If you want to take a personal leave of absence, you must make arrangements with your supervisor and receive General Manager approval.

Length of Leave

The leave may be requested for any time over **30** consecutive days. A personal leave of absence starts on the first regular workday following the last day worked. The maximum leave allowed under this policy is 90 days.

Request Procedure

A written request, using the Leave of Absence Request Form, should be submitted at least one-week (five (5) working days) before time off that will exceed five (5) days, except in emergencies. Leave requests must include an expected date of return. If you do not return after three (3) days of that date and no extension has been requested, we'll assume you have resigned.

Pay While on Leave

Personal leaves of absence are without pay.

Status of Benefits

Insurance coverage will **not** be maintained for you while on a personal leave of absence of more than 30 days; leaves longer than 30 days may require continuation of benefits through COBRA. You may continue insurance coverage by paying the full premium by the first of each month. Benefits do not accrue during this type of leave of absence, but are instead retained at the same level.

Reinstatement

The Port of Newport will attempt to arrange employment for individuals returning from a personal leave of absence, but no guarantees are made. While you are on a personal leave of absence, you are required to check in with your supervisor on a regular basis as agreed upon, but at a minimum of every two weeks to inform us of your status and to notify us of any change in personal data. You may be required to present a doctor's release before being reinstated if the leave was medically-related.

# UNIFORMED SERVICES LEAVE AND RE-EMPLOYMENT

Regular employees requiring a leave of absence for service in the uniformed services are provided leave and will be re-employed at the end of the leave. Policies governing this leave are designed according to the Uniformed Services Employment and Re-employment Rights Act and applicable state regulations. The policy covers employees who enter active military duty voluntarily and extends to Reservists or National Guard members who are called to limited active duty or extended training duty, including regularly scheduled annual training and military summer camp training. These military members, and those with previous or current military service, are protected from discrimination and harassment.

Eligibility
All employees of the organization except those hired on a brief, non-recurrent basis are eligible for leave.

Length of Leave
Given that the requirements regarding this type of leave are subject to change, the length of this leave will be administered under the current provisions of all applicable laws at the time of occurrence.

Request Procedure
You must provide oral or written notice, using the Leave of Absence Request Form, of your obligation or intention to perform service in the uniformed services, unless notice is precluded by military necessity or is otherwise unreasonable or impossible. Failure to do so may result in loss of re-employment rights.

Pay While on Leave
Military leaves are without pay unless you elect to utilize vacation benefits earned before the commencement of the leave.

Status of Benefits
Reservists, National Guard members, and veterans returning from military service in the Armed Forces have and retain rights with respect to seniority, vacation, compensation, and length of service pay increases, as may be provided by applicable statutes of the United States and the State of Oregon. For any leave extending beyond 30 days, you may maintain health care insurance benefits for up to 24 months while on leave by paying the full insurance premiums.

Reinstatement
If you are returning from a USERRA leave, you generally must report to work or request re-employment within prescribed time limits, which are based on the length of the leave as follows:

1 to 30 days: You are expected to report to work on the first regularly scheduled work day following the completion of your service and an eight-hour rest period. You will most likely be reinstated to a position you would have held had you not taken leave or to the same position you held prior to the leave.

31 to 180 days: You should submit an application for reemployment no later than 14 days after an honorable release from service unless it is impossible or unreasonable through no fault of your own. You will generally be

reinstated to the position you would have attained if continuously employed, so long as you are qualified for the job or can become qualified after reasonable efforts by the Port of Newport, or to the same position you held prior to leave. In some cases, reinstatement may be made to a position of like seniority, status, and pay to either of the aforementioned positions or to their nearest approximation.

181 days or longer: You must apply for re-employment no later than 90 days after the completion of satisfactory service, absent extenuating circumstances. You will generally be reinstated to the position you would have attained if continuously employed, so long as you are qualified for the job or can become qualified after reasonable efforts by the Port of Newport, or to the same position you held prior to leave. In some cases, reinstatement may be made to a position of like seniority, status, and pay to either of the aforementioned positions or to their nearest approximation.

For service of 31 days or more, the Port of Newport will request that you provide documentation to verify your rights to re-employment, including your separation papers.

Time limits for applications for re-employment are extended for up to two years for disabled veterans, unless extenuating circumstances beyond a veteran's control may warrant another minimal extension beyond that period. Failure to file an application within the required time periods may otherwise result in a loss of the right to re-employment.

# OREGON MILITARY FAMILY LEAVE

An employee may be eligible to take leave beginning on the first day of employment, if the employee's spouse/registered domestic partner is notified of an impending call to active duty and when the spouse/registered domestic partner is on leave from deployment.

Eligibility
You will be eligible to take military family leave if you work an average of at least 20 hours per week for the organization.

Length of Leave
The amount of leave time available is up to 14 days of unpaid leave per deployment.

Leave Interaction with the Oregon Family Leave Act (OFLA)
If an employee is also eligible for OFLA (generally at least 6 months on the job and working at least 25 hours per week), this time will run concurrently with OFLA leave, reducing the 12 weeks of leave available in any leave year.

Request Procedure
An employee accessing this leave provision needs to request time off from the designated manager or supervisor within five (5) days of receiving official notice of an impending call or order to active duty or of a leave from deployment, or as soon as is practicable. Obviously, the more advance notice given, the easier it is to handle scheduling issues. These types of leave situations, however, arise with little forewarning at times.

Pay While on Leave
Oregon military family leave is unpaid; however, eligible employees who take this type of leave may use any accrued paid (vacation/sick/personal) time available to them. Exempt employees working partial days or a partial week will be paid in full for the entire week.

Status of Benefits
Benefits are not affected by Oregon military family leave.

# HEALTH AND SAFETY

# DRUGS AND ALCOHOL

The objective of this policy is to provide a workplace and environment that are free from the effects of substance abuse. Furthermore, the Port of Newport believe(s) that we have a responsibility to our employees, to those who use or come into contact with our products and services, and to the general public to ensure safe operating and working conditions. To satisfy our drug free workplace objective and meet these responsibilities, we must establish a work environment where employees are free from the effects of drugs, alcohol, or other impairing substances. Accordingly, we have adopted this drug and alcohol policy.

The following conditions and activities are expressly prohibited on our premises or property or during work time or while representing us in any work-related fashion and will lead to corrective action, up to and including termination:

- Manufacturing, selling, attempting to sell, using, distributing or possessing alcohol or other controlled or illegal substances that impair job performance or pose a hazard when use or possession occurs;
- Reporting for or being at work with the presence of alcohol, illegal drugs, or controlled substances in your system.

If your doctor prescribes over-the-counter or pharmaceutical drugs, you are responsible for ensuring that your ability to maintain work performance standards, including safety, will not be affected by the medication. If you are in doubt, please discuss this with your Department Director before beginning work. Any medical issues discussed will be kept confidential.

If you have a problem with drugs or alcohol and wish to undertake rehabilitation, you may be granted an unpaid leave of absence for this purpose, as long as your work performance warrants and there have been no violations of this policy. It is your responsibility to seek help before the problem adversely affects your work performance or results in a violation of this policy. If you need assistance in seeking this help, you may talk to the Director of Operations or the Director of Finance and Business Services. No one will be discriminated against for undertaking rehabilitation.

For purposes of this policy, having any detectable level of alcohol or drugs in one's system while covered by this policy will be considered to be a violation. Where we have a reasonable basis to believe that an employee is in violation of this policy, the employee will be required to submit to testing to determine presence of, use of, or involvement with alcohol or drugs. We reserve the right to determine whether reasonable basis exists.

The following definitions apply:

Reasonable suspicion is defined as specific, describable observations concerning such circumstances as the work performance, appearance (including, for example, noticeable odor of an alcohol), behavior, or speech of the employee, or as being involved in an accident on organization premises that results in physical injury or property damage.

Presence of is defined as any detectable level of alcohol or drugs in an employee's blood or urine, or any noticeable or perceptible impairment of the employee's mental or physical faculties.

Controlled Substances are defined as any product causing potential impairment of an employees' mental or physical faculties and whose availability is restricted by law.

Over-the-counter drugs are defined as those that are generally available without a prescription from a medical doctor.

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

Any employee who is found to be in violation of this policy and who refuses to submit to testing, or refuses to cooperate, or attempts to subvert the testing process will be subject to corrective action, up to and including termination. We also reserve the right to involve law enforcement officials for any conduct that we believe might be in violation of state or federal law.

If a professional assessment is made that you have a problem with alcohol or drugs, your continued employment may be conditioned upon your entering into and completing a treatment program (including follow-up recommendations) approved by the organization. You also may be required to sign and live up to the terms of a performance agreement in order to demonstrate your commitment to rehabilitation and staying alcohol- and drug-free. This course of action is likely if you come forward on your own and ask for help in overcoming your problem. If you are caught selling, distributing, using, or having the presence of drugs or alcohol in your system while at work, we may terminate your employment without offering you the opportunity to participate in a treatment program.

If you voluntarily request assistance in dealing with a personal drug or alcohol problem, you may do so through the Employee Assistance Program. The request for assistance will not jeopardize your employment as long as this assistance is sought before work performance has deteriorated or disciplinary problems have begun. Other treatment programs for drug and alcohol problems may be available through our health insurance coverage.

As a result of corrective action arising from a drug or alcohol problem, you may be required to participate in a drug or alcohol treatment program. If so required, you will regularly be evaluated for drug and alcohol use by a professional. When such an evaluation is scheduled, we will pay the cost. You may also be required to participate in follow-up care as part of a comprehensive alcohol and drug treatment program. Depending upon the nature of the conduct that led to your mandated participation in an alcohol and drug treatment program, you may be required to submit to random or unannounced screening for alcohol or drugs for a specified period of time. You may also be required to meet various performance standards that are imposed as a condition of continuing employment.

If you are involved in a job-related accident resulting in property damage in excess of $1,000 or physical injury requiring off-site medical attention, you will be required to submit to testing to determine the presence or absence of a controlled substance. We may waive the requirement if we do not have a reasonable basis to conduct drug or alcohol testing or, if we determine, at our discretion, that the accident could not have been caused by the use of a controlled substance.

You will be subject to testing upon transfer or promotion into another position.

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

We will also conduct testing as required or recommended under the provisions of any state or federal government regulations. If you are within a regulated group requiring testing, you will be required to abide by policy as well as any government programs.

When being tested, you may request that any sample be split into two parts, with one part tested and the other retained by the testing laboratory for future re-testing in the event of a positive test result. If you request a re-test, it will be at your expense and must be conducted by a laboratory that is acceptable to us. A list of approved laboratories will be provided upon request.

If you believe that your specimen was not collected in accordance with established procedures, you must report any deficiencies within 24 hours of the collection. Deficiencies reported after 24 hours have expired and will not be considered.

# WORKPLACE VIOLENCE

The Port of Newport recognizes the importance of a safe workplace for employees. A work environment that is safe and comfortable enhances employee satisfaction with work as well as employee productivity.

To foster a safe workplace, this organization specifically prohibits any employee, customer, or vendor from bringing any kind of weapon, knife (other than folding pocket-knife), or firearm on premises. If you have a question whether something may be considered a weapon in violation of this policy, you must ask your supervisor prior to bringing the item onto our premises. Our premises include areas such as personal vehicles parked in our designated parking area.

Situations may occur, despite our best efforts to prevent them, which present a risk of harm to employees and others. All employees have an obligation to report any incidents that pose a risk of harm to employees or others associated with the organization or that threaten the safety, security, or financial interests of the organization. Employees should make such reports directly to the Director of **their Department.**

All information related to the reports, including the name of the reporting employees, will be kept as confidential as possible under the circumstances. We will generally notify the reporting employee of action taken in response to the report.

We may, out of business necessity, conduct an investigation of a current employee when the employee's behavior raises concerns about work performance, reliability, honesty, or potential threat to the safety of co-workers or others. An employee investigation may include investigation of criminal records and a search of the organization's property such as desks, work areas, lockers, file cabinets, voice mail systems, and computer systems.

If an employee is found to have violated any part of this policy, corrective action up to and including termination may occur.

# EMPLOYEE HEALTH AND SAFETY

The Port of Newport is committed to providing our employees with a safe and healthful work environment. To accomplish this goal, both management and employees must make diligent efforts to promote safety within applicable laws and standards. The Port has developed a Safety and Health Manual that each employee will receive when they begin their employment and will be responsible for following the guidelines and procedures outlined in the Manual. Failure to comply with the procedures and policies identified in the Manual could result in corrective action, up to and including termination

We develop and implement safety rules and regulations through our managers and supervisors. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. We also educate employees about workplace hazards and the proper and safe methods to use in performing job tasks.

You are expected to give your full skill and attention to the performance of your duties, using the highest standard of care and good judgment. You are also expected to always follow safety rules and regulations, including using appropriate protective clothing, shoes, and equipment, attending all training sessions offered, and following directions of warning signs, signals, and supervisory personnel.

While we respect personal taste in clothing, jewelry, and body modification, when any of these areas have the potential to make an employee more vulnerable to injury, we reserve the right to prohibit the attire or behavior or ask the employee to take some steps for safety. As an example, for those who have gauged or stretched earlobes, we request that you always wear ear tapers (plugs, ear lets, tunnels, etc.) while at work to prevent accidental tearing or catching of the earlobe.

All job-related injuries or illnesses are to be reported to your supervisor immediately, regardless of severity. In the case of serious injury, your reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may preclude or delay the payment of any benefits to you and could subject the Port of Newport to fines and penalties. No one will be retaliated against for filing a workers' compensation claim in good faith.

The Health and Safety Manual, as well as the rules and regulations will be issued or modified from time-to-time and will be effective immediately upon communication. Rules and regulations will be distributed to you and posted on the employee bulletin board.

If an injury occurs you are required to:

1. Take remedial first aid actions; seek emergency care if necessary.
2. Report the injury as soon as possible.
3. Fill out the accident and injury report form and workers' compensation form.
4. Provide your supervisor with a medical release from a doctor.
5. Review the incident with our Director of Operations.

***Early Return to Work Program***

Our Return-to-Work program provides guidelines for returning you to work as early as possible after you have suffered an on-the-job-injury. The program is not intended to be a substitute for a reasonable accommodation when an injured employee also qualifies as an individual with a disability.

The Return to Work program consists of a team effort by supervisors, injured employees and their treating physicians, management, and our workers' compensation insurance carrier. All team members will take an active role in returning injured employees to productive work. Through this team effort, we hope to help our employees recover and return to full employment as soon as their medical condition permits.

If you are injured on the job and your doctor determines that you are able to perform modified work, the organization will attempt to provide such a job until you are able to resume your regular duties, except where provided as an accommodation for a permanent disability. All modified work is temporary and may be offered at any location or on any shift. If you are offered a modified position that has been medically approved, failure to report at the designated time and place may affect time loss compensation.

A return to work from non-work-related injuries is covered in the Family and Medical Leave section.

***Smoking in the Workplace***

The Port of Newport is a non-smoking facility. This includes the use of electronic cigarettes and vaping devices. Places outside the office may be designated as smoking areas; smoking is limited to these areas. Please do not smoke or vape within 10 feet of any entrance, exit, window, or air intake device. If any employee has a concern about the areas designated, that individual should speak with the appropriate supervisor.

***Employee Right to Know/Hazard Communication Program***

The Port of Newport provides a Hazard Communication Program so that all employees are aware of chemical hazards in the workplace. By becoming familiar with this information you can help prevent injuries and illnesses from chemical exposure. If you have any questions regarding chemical hazards, do not delay in asking your supervisor or the Director of Operations.

The following safety precautions have been taken to prevent injuries and illnesses from chemical exposure:

<u>Container Labeling</u>

The Director of Operations or designee will verify that all containers received for use will:

- Be clearly labeled as to the contents with a product identifier.
- Note the appropriate hazard warning with a precautionary statement, pictogram, hazard statement, and supplemental information.
- List the manufacturer/supplier name, address, and emergency phone number.

It is our policy that no container will be released for use until the above data is verified.

The supervisor in each section will ensure that all secondary containers have either an extra copy of the original manufacturer's label or a generic label that has identification and hazard warning blocks. For help with labeling, see the Director of Operations.

Safety Data Sheets (SDS)

Copies of safety data sheets for all hazardous chemicals that employees of this organization may be exposed to will be kept in the Director of Operations Office. Safety data sheets will be available to all employees in their work areas for review during each work shift. Never use a chemical or associated machinery if its safety data sheet is not available; you should immediately contact the Director of Operations before using the chemical or the machine containing it.

Employee Information and Training

Before starting work, you will attend a health and safety orientation and receive information and training about the following:

- An overview of the requirements contained in the Globally Harmonized Hazard Communication System;
- Chemicals present in your workplace operations;
- Location and availability of our written hazard communication program;
- Physical and health effects of the hazardous chemicals;
- Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area; and,
- How to reduce or prevent exposure to these hazardous chemicals through the use of control/work practices and personal protective equipment.

After attending the training class, you will sign a form to verify that you attended, received our written materials, and understand our policies on hazard communication.

Prior to a new hazardous chemical being introduced into any section of this organization, each employee of that section will be given information as outlined above. The Director of Operations is responsible for ensuring that Safety Data Sheets (SDS) on new chemicals are available.

# EMERGENCY PREPAREDNESS

The Port of Newport may be subject to major disruptions as a result of occurrences beyond the control of the organization. All employees should exercise good judgment in responding to these events as the situation necessitates. The Port of Newport will try to provide emergency and limited services during periods of disruptions. The General Manager shall make the determination to close the organization, suspend activities, or make the organization available for community support.

In the event of potential or actual disruptions that may be weather-related or a result of a catastrophic event such as an earthquake, fire, explosion, or public health emergency, contact the General Manager.

Compensation of employees will be determined in accordance with all applicable regulations when individual facilities or activities are closed as a result of emergency conditions. Employees not compensated during an emergency-related closure may be able to use available **PTO**.

Should a threat to company property or an employee be received, it should be reported immediately to your supervisor and the Director of Operations.

# EMPLOYMENT SEPARATION

# SEPARATION FROM EMPLOYMENT

Separation from employment with the Port of Newport occurs when you voluntarily resign, are laid off, or are discharged by the organization.

***Resignation***
Employment with us is "at-will," which means you are free to resign at any time, with or without cause or notice. However, in order to achieve an orderly transition, we would appreciate receiving notification of your resignation at least 10 working days before the intended date of departure. For supervisors and management-level personnel, at least 30 days' notice of a resignation is requested.

***Job Abandonment***
To maintain a safe and productive work environment, employees are expected to be reliable in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the organization; poor attendance and excessive tardiness are disruptive. Either may lead to corrective action, up to and including termination of employment. **If an employee fails to call in or show up for work, job abandonment and voluntary resignation will be assumed after the third day of absence.**

***Job Elimination, Reduction in Work Hours***
Our desire is to avoid circumstances that require a reduction in hours or staff, but we also recognize that situations may arise where such reductions are necessary. Depending upon the circumstances, we may respond in a variety of ways, including offering a voluntary reduction in hours or days of work, reducing your work hours or days of work, reducing the workforce, or reducing expenses by other means. Among the factors we will consider in selecting employees for any reduced hours or reduction in force are:

- Your department, location, or job;
- Your job knowledge, skills, and ability to do the required work;
- Your performance, attendance, and safety and corrective action history and records;
- Your possession of licenses, registrations, and certifications required by the job;
- Your creativity and teamwork skills, if required for the job;
- Your demonstrated willingness to go the extra mile for the organization, co-workers, and customers; and,
- The efficiency of our operation.

Evaluation of these factors is at our discretion. When we conclude that all the factors are substantially equal, we will reduce the hours of or lay off the employee with the shortest term of service. The General Manager or Director will personally notify employees of a layoff. After explaining the layoff procedure, you will be given a letter describing the conditions of the layoff, such as the effects on benefits, the possibility of reemployment, procedures, and any outplacement services.

If practicable at the time of layoff or upon an employee being placed in an inactive status, we may provide limited re-employment rights for a period of eight (8) weeks. The order of recall will be determined using the above factors. An offer of re-employment may be made orally or in writing to the last address reflected in your personnel records. It is your obligation to keep us informed of any changes to your telephone number, email address, and physical address. The offer will identify

the available job and the date you are to report to work. If you are not rehired during the period specified, your re-employment rights end; if you decline re-employment or fail to report on the date specified in an offer, you generally waive any re-employment privileges.

***Discharge***

Our philosophy and general practice is to provide employees who have completed the initial probationary period of employment with an opportunity to correct minor performance and conduct problems before discharge is implemented. Prior to discharge you have a right to a Pre-Termination hearing as required by law.

The organization has a corrective action policy found on page 45 of this Handbook that describes action management may take, at its discretion, to correct performance infractions prior to discharging employees. The decision to discharge employees is based not only on the seriousness of the current performance infraction, but also on the individual's overall performance record and length of service.

We also believe that our employees should be given an opportunity to be heard in matters involving corrective action, including discharge, and we have provided a formal dispute resolution procedure found on page 17 of this Handbook for that purpose. You are encouraged to use this procedure to resolve any issues you may have that cannot be resolved by consulting with your supervisor.

***Exit Interview***

An exit interview may be arranged to give you an opportunity to address unresolved issues before leaving the organization. It also allows us to solicit your opinions about our organization and any suggestions you may have for its improvement. We encourage all employees invited to participate in an exit interview when they separate from employment to do so, and we value all opinions and suggestions we receive in the process.

At the exit interview session, you will be given information regarding your benefit continuation rights and responsibilities and how you will receive your final paycheck.

***Return of Organization Property***

Upon separation from employment, either voluntarily or otherwise, you must return all organizational property in your possession. Such property may include credit cards, organization vehicles, keys, ID cards, pagers, tools, software, electronic devices, uniforms, this Handbook, and any other items in your possession that belong to the organization.

# Employee's Notes

**Port of Newport**

# HANDBOOK RECEIPT ACKNOWLEDGMENT FORM

As an employee of the Port of Newport, I acknowledge the following:

I have been provided a copy of, or given access to the Employee Handbook. I understand that the Handbook contains important information about Port of Newport's policies, work rules, and my benefits. I have both read and understood the information in the Handbook and have asked the Director of Finance and Business Services for the clarification of any information I did not understand.

I acknowledge the Handbook is neither a contract of employment nor a guarantee of specific treatment in any situation; that the organization has the right to change, modify, add to, substitute, eliminate, interpret, and apply, in its sole judgment, the policies, rules, and benefits described in this Handbook; and that the current Handbook supersedes all prior handbooks, policies, and understandings related to the subjects it contains.

The General Manager with approval of the Commission is the only person authorized to make changes to the Handbook and all such changes must be in writing to be valid. Any changes to the content will be communicated to employees via official notices.

I understand that, unless stated otherwise in an employment contract, my employment relationship with the organization is "**at-will**" and either the organization or I can end the relationship at any time, with or without reason or notice. The Port of Newport is only authorized to enter into an employment contract once it received authorization from the Commission, and it must be in writing and signed by both parties to be valid.

Lastly, I am aware that I may be given confidential information during my employment, including customer lists, proprietary organization plans, and other information. I understand this information is critical to the success of the Port of Newport and I agree not to disseminate or use it outside of the organization, even in the event of my separation, either voluntary or involuntary.

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

_____ _____

Employee Signature Date

_____

Print Employee's Name